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The Role of Article VI in Debates About the Nuclear Non-Proliferation Treaty

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**THE ROLE OF ARTICLE VI
IN DEBATES ABOUT
THE NUCLEAR NON-PROLIFERATION TREATY**

**SUBMITTED BY
MATTHEW EDWARD HARRIES**

**IN
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Abstract

This thesis examines the role that nuclear disarmament, embodied in the Article VI obligation, has played in debates about the Non-Proliferation Treaty. It provides a narrative archival history of the treaty negotiations, tracing the emergence of the NPT idea as the key priority for multilateral nuclear diplomacy in the mid-1960s, describing the tortuous route to superpower agreement on pursuing an NPT; and exploring the complex process by which key US allies and non-aligned states were encouraged to support the treaty. On this basis the thesis explains the role that disarmament played in conceiving, lobbying for and achieving an NPT.

The thesis goes on to outline how the role of disarmament in the NPT 'bargain' has evolved, beginning with the effects of US ambivalence about the NPT in its early years, and the development of a circumscribed process of arms control. It then traces a path from the treaty's first review conference in 1975 up to the acrimonious failure of 2005. Finally, it provides an assessment of the role that disarmament issues played in the 2010 NPT Review Conference, which the author attended.

The thesis argues, firstly, that the role of disarmament in the original NPT 'bargain' was limited and left key questions unsettled, but was nonetheless highly significant in political terms. Secondly, it explains how the practice of a distinctive 'NPT diplomacy' allowed the treaty to form the basis of a broader non-proliferation regime. Lastly, however, it concludes that the unresolved questions inherent in Article VI, and exacerbated since the end of the Cold War, mean that the NPT is unlikely to act as an effective vehicle to achieve the vision of a world free of nuclear weapons, and that measures to strengthen the non-proliferation regime in the future are unlikely to be achieved by offering specific concessions on disarmament.

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Abbreviations used

ABM	Anti-Ballistic Missile
ACDA	Arms Control and Disarmament Agency
ANF	Atlantic Nuclear Force
AP	Additional Protocol
CCD	Conference of the Committee on Disarmament
CD	Conference on Disarmament
CDU	Christian Democratic Union (Germany)
CSU	Christian Social Union (Germany)
CTBT	Comprehensive Nuclear-Test-Ban Treaty
ENDC	Eighteen Nation Disarmament Committee
FMCT	Fissile Material Cut-off Treaty
FRG	Federal Republic of Germany
FRUS	Foreign Relations of the United States
GCD	General and Complete Disarmament
IAEA	International Atomic Energy Agency
ICBM	Intercontinental Ballistic Missile
ICNND	International Commission on Nuclear Non-Proliferation and Disarmament
IISS	International Institute for Strategic Studies
INF	Intermediate Nuclear Forces Treaty
LBJL	Lyndon B. Johnson Presidential Library, Austin, Texas
LRTNF	Long Range Theatre Nuclear Forces
MIRV	Multiple Independently Targetable Re-entry Vehicles
MLF	Multilateral Force
NAC	New Agenda Coalition
NAM	Non-Aligned Movement
NFU	No-First-Use
NNC	Conference of Non-Nuclear-Weapon States
NNWS	Non-Nuclear-Weapon State
NPG	Nuclear Planning Group
NPR	Nuclear Posture Review
NPT	Non-Proliferation Treaty
NPTRC	Non-Proliferation Treaty Review Conference
NSA	Negative Security Assurance
NSDM	National Security Decision Memorandum
NSS	National Security Strategy
NWC	Nuclear Weapons Convention
NWS	Nuclear-Weapon State
OAU	Organisation of African Unity
PDD	Presidential Decision Directive
SALT	Strategic Arms Limitation Talks
SIPRI	Stockholm International Peace Research Institute
SLBM	Submarine Launched Ballistic Missile
SPD	Social Democratic Party (Germany)
SSBN	Strategic Submarine Ballistic Nuclear
SSOD	UN Special Session on Disarmament
SALT	Strategic Arms Limitation Talks
START	Strategic Arms Reduction Treaty
TLAM	Tomahawk Land Attack Missile
UAR	United Arab Republic

UKNA	UK National Archives, Kew
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
VERTIC	Verification, Research, Training and Information Centre
WMDFZ	Weapons of Mass Destruction Free Zone

Introduction

The 1970 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is habitually referred to as the 'cornerstone' of the non-proliferation regime. Its aim, as originally negotiated, was to freeze (and eventually to help roll back) the worldwide distribution of nuclear weapons as it stood on 1 January 1967 – with those who had tested a nuclear device before that date being defined in the NPT as nuclear-weapon states (NWS), and those who had not defined as non-nuclear-weapon states (NNWS). The central purpose of negotiating an NPT, enshrined in Articles I and II of the treaty, was to secure an undertaking from the NWS not to transfer control of nuclear weapons to any NNWS, and an undertaking from the NNWS not to build or otherwise acquire their own nuclear weapons. The other articles of the NPT were (originally, at least) in essence a bundle of political and technical measures to make these undertakings credible, and to compensate for the political, strategic and economic costs involved. Their importance relative to Articles I and II, however, has grown markedly as the strategic context under which the treaty was negotiated has been replaced by a new and more complex international system. It is the contention of this thesis that the NPT has been unable to escape the inadequacies of this original settlement in the area of arms control and disarmament, in part because that settlement has never been fully understood.

Article VI of the NPT – the focus of this thesis – commits states parties to pursuing

negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.¹

In a conceptual sense, it provides some legal guidance on the relationship between non-proliferation and disarmament; in a political sense, Article VI is the principal source of

¹ *Treaty on the Non-Proliferation of Nuclear Weapons*, 5 March 1970, Article VI.

ammunition for the non-nuclear-weapon states' demands for practical measures of disarmament by the NWS. It is often cited as the nuclear-weapon states' contribution to the NPT's 'grand bargain'² – compensation for the non-nuclear-weapon states' sacrifice of their supposed right to develop nuclear weapons.

The nature of the nuclear-weapon states' responsibilities under Article VI, and the extent to which they have been fulfilled – notwithstanding the fact that Article VI's provisions apply to all states – have been a matter for intense debate at every NPT Review Conference, held every five years since the first in 1975. A number of factors have fuelled this controversy. In the first place, the language of Article VI is deliberately vague: it is not necessarily clear from the text how compliance with Article VI might practically be judged (although, as will be shown in Chapter Two, the negotiating record can provide some guidance). Moreover, the NPT is a politically contested document as a whole, and the Review Conference process encourages short-term bargaining. It is only to be expected, too, that states will push a broad or narrow interpretation of the treaty text depending on their interests.

More fundamentally, though, agreement has never been reached on the relationship between non-proliferation, arms control, and disarmament. The NWS have asserted that effective non-proliferation is a precondition for disarmament; the NNWS, on the other hand, have demanded substantive progress towards disarmament as a reward for maintaining the non-proliferation regime. Similarly, the NWS have portrayed arms control agreements as evidence of their compliance with Article VI of the NPT; the NNWS, however, regard these as insufficient, and indeed sometimes as attempts by the NWS to legitimise their continued possession of nuclear weapons.

Recognition of this tension is one factor in the recent upsurge in attention to disarmament paid by some nuclear-weapon states, the United States in particular. It is

² See e.g. UK Cabinet Office, 'The Road to 2010: Addressing the nuclear question in the twenty-first century' (London: The Stationery Office, July 2009), p. 6.

reasoned that substantive progress on disarmament will create the political space to strengthen the non-proliferation regime, particularly by encouraging a more positive diplomatic atmosphere around the NPT. There is a new disarmament agenda with deeper roots, however, which – to a greater or lesser extent, depending on the advocate – holds disarmament to be a goal in its own right. Importantly, it has emerged in large part thanks to impetus provided by governmental and non-governmental elites in the nuclear-weapon states: an op-ed in the *Wall Street Journal* in January 2007 by former US Secretaries of State George Shultz and Henry Kissinger, former Secretary of Defense William Perry, and Sam Nunn, former chair of the Senate Armed Services Committee, advocated working towards the goal of a world without nuclear weapons,³ and was followed by high profile speeches on nuclear disarmament by UK Foreign Secretary Margaret Beckett in June 2007 and Defence Secretary Des Browne in February 2008.⁴

Although this momentum at the elite level has been welcomed, it has been noted that the need for new thinking in the field of nuclear disarmament is urgent.⁵ Without it, there is ‘a danger that once again we shall have the advocates contrasting the irrationality of deterrence with the rationality of disarmament, and then proposing practical measures that barely match the problem yet still require years of negotiations or else grand schemes that can too easily be dismissed as utopian or unrealistic.’⁶ Certainly, there has been a great deal of material published on nuclear abolition in the last two years, and some of it has indeed been innovative. George Perkovich and James

³ George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, ‘A World Free of Nuclear Weapons’, *The Wall Street Journal*, 4 January 2007.

⁴ Margaret Beckett, ‘A World Free of Nuclear Weapons?’, keynote address to the Carnegie International Non-Proliferation Conference, Washington DC (25 June 2007); Des Browne, ‘Laying the foundations for multilateral disarmament’, speech to the Conference on Disarmament, Geneva (5 February 2008).

⁵ See e.g. Tanya Ogilvie-White and David Santoro, ‘The Dynamics of Nuclear Disarmament: New Momentum and the Future of the Nonproliferation Regime’, *Nonproliferation Review* 17:1 (March 2010), p. 18; Michael Quinlan, *Thinking About Nuclear Weapons* (Oxford University Press, 2009), pp. 164-5.

⁶ Lawrence Freedman, ‘Nuclear disarmament: the need for a new theory’, *Lowy Institute Perspectives* (March 2009), p. 3

Acton's 2008 Adelphi Paper entitled *Abolishing Nuclear Weapons*, for example, was a widely-praised study of the technical capabilities and political conditions needed in a future world without nuclear weapons;⁷ and the 2010 report of the Australia-Japan International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) outlines a practical route to nuclear abolition with a strong focus on global and regional security structures.⁸ The debates prompted by the 2010 US Nuclear Posture Review (NPR), dealing for example with the implications of nuclear reductions for extended deterrence⁹ and force structure¹⁰, should also be welcomed as vital to the credibility of the disarmament agenda.

Yet there is much that is neither new nor encouraging. Many still see the immediate negotiation of a nuclear weapons convention (NWC) as the logical first step towards disarmament¹¹, a tendency which can perhaps be explained by generational factors,¹² but which has very little chance of being embraced by the nuclear-weapon states, except as the theoretical final step in securing abolition. The belief that unilateral disarmament will significantly influence others' nuclear decision-making is still commonly heard, most frequently in the British and Israeli cases.¹³ More broadly, there is a danger that a plethora of action plans, road maps and blueprints, listing steps that will lead the world to nuclear abolition, may obscure harder choices yet to be made. In using Article VI as the basis for an examination of the history and future of the

⁷ George Perkovich and James Acton, *Abolishing Nuclear Weapons* (London: International Institute for Strategic Studies, 2008).

⁸ *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, report of the International Commission on Nuclear Non-Proliferation and Disarmament (Canberra/Tokyo, 2009).

⁹ See e.g. the controversy in 2009 and 2010 over the retirement of the TLAM-N missile from missions extending the US deterrent to Japan.

¹⁰ See e.g. Keir A. Lieber and Daryl G. Press, 'The Nukes We Need', *Foreign Affairs* (November/December 2009), and the responses by Jan Lodol et al., *Foreign Affairs* (March/April 2010).

¹¹ E.g. Rebecca Johnson, 'Rethinking the NPT's role in security: 2010 and beyond', *International Affairs* 86:2 (2010).

¹² For all that is commendable and innovative about the Global Zero movement, for example, those of its members who have been involved in past initiatives, particularly the drafting of a draft Nuclear Weapons Convention, have a tendency to assert that solutions to the disarmament problem have already been identified, if only the political will could be mustered to apply them.

¹³ See e.g. William Walker, 'The UK, threshold status and responsible nuclear sovereignty', *International Affairs* 86: 2 (2010).

disarmament agenda, the research presented here intends to focus attention on the ways in which hopes for disarmament have interacted with realities of non-proliferation and arms control in terms of strategy, diplomacy and politics.

This thesis explains in detail, for the first time, how and why Article VI was negotiated, analyses recent trends in disarmament thinking, and provides an assessment of the 2010 NPT Review Conference (RevCon). In so doing, it outlines how the relationship between non-proliferation, arms control and disarmament has in the past been conceived, and how it has changed, and reaches conclusions on the future of both the non-proliferation regime and efforts to achieve nuclear disarmament.

Structure

Chapters One to Three deal with the negotiation and consolidation of the original NPT 'bargain'. Chapter One covers the years 1964-66, from the start of the concerted effort by the United States to open NPT negotiations to the moment in late 1966 when the US and USSR reached a deal on the NPT's basic provisions. It focuses on the route by which the task of negotiating a non-proliferation treaty became the top priority of multilateral arms control efforts. It examines the interplay between the United States and Soviet Union's joint realisation that a non-proliferation treaty was both necessary and achievable, on the one hand, and the dynamics of multilateral diplomacy on the other, and explains how the superpowers laid the diplomatic groundwork for the NPT's scope to be relatively narrow.

Chapter Two spans from late 1966, when the superpower agreement on the NPT was communicated to the allies, to March 1968, when the draft text of the NPT (which would largely prove to be the final version) was sent by the Eighteen Nation Disarmament Committee to the UN General Assembly. Its focus is the period surrounding the textual negotiation of the NPT and the depositary powers' early efforts

to persuade states to support the treaty. It deals not only with the effect that non-aligned states' advocacy on disarmament had on the negotiations, but also, distinctively, the emphasis placed on disarmament by US allies.

Chapter Three spans the period from the UN General Assembly's (UNGA) consideration of the treaty in mid-1968 to India's 'peaceful nuclear explosion' in 1974. It covers the UNGA debate, and the proceedings of the Conference of Non-Nuclear-Weapon States (NNC); the domestic debate in the United States over treaty ratification and the shift in NPT policy under the Nixon administration; the beginning of bilateral arms control and the widespread dissatisfaction with the NPT in the run up to the first Review Conference in 1975, punctuated by the first case of further proliferation.

Chapters Four and Five deal with the struggles of the NPT's states parties and the NGO community to reconcile the original treaty settlement with hopes for further disarmament. Chapter Four provides a brief account of the treaty's implementation from 1975-1990, before focusing on the attempt to reframe the NPT bargain in the post-Cold War world, in the context of greater expectations for progress on nuclear disarmament. It outlines the role that debates about Article VI played in the 1975, 1980, 1985 and 1990 Review Conferences; it explores the renewed attention to arms control and disarmament at the latter stages of the Cold War and after the fall of the Soviet Union; and it thus explains the significance of the indefinite extension of the NPT in 1995, the 13 practical steps on disarmament outlined at the 2000 Review Conference, and the sharp failure to find consensus in 2005.

Chapter Five provides an assessment of the 2010 NPT Review Conference, based on observation and interviews with participants during and after the conference. It is framed around the rise in disarmament-related literature and elite advocacy in the late 2000s, and particularly around the proposition that there was a need for the nuclear-weapon states to proceed more quickly with disarmament steps in order to sustain

consensus around the treaty. In this sense it allows the picture of the basic NPT 'bargain' built up in Chapters I-III to be tested against contemporary reality.

In each of these five chapters, states' and individuals' expectations for the future of the non-proliferation regime, and their understanding of the relationship between non-proliferation, arms control and disarmament, will be clearly identified. The thesis is therefore able to show how the expectations and understandings about Article VI have changed, and will draw a number of conclusions. In particular, it demonstrates how disarmament advocacy and the demands of Article VI have interacted with nuclear decision-making in the past, and how they might do so in the future; it identifies, based on the history of the Article VI debate, the strengths and weaknesses of the post-2007 'second wave' of disarmament thinking; it outlines the limitations of the NPT review conference process as an arena for debating strategic issues; and it proposes policy recommendations for a new nuclear 'bargain'.

Methodology and sources

Chapters I-III of this thesis consist of a narrative archival history. The primary sources of archival material for the origins, negotiation, signing and ratification of the NPT are the presidential and other governmental papers at the Lyndon Johnson Library in Austin, Texas; US governmental papers published in the *Foreign Relations of the United States* series; the records of the Eighteen Nation Disarmament Committee; UN General Assembly documents; records of the U.S. Senate Foreign Relations Committee; and parliamentary papers and UK governmental records held at the National Archives in Kew. Chapter IV, in addition to using archival sources, is based on an analysis of statements, working papers and final documents of the seven NPT Review Conferences from 1975-2005; a critical assessment of the disarmament literature after the end of the

Cold War; and relevant government documents on the NPT review process and on broader nuclear policy.

Chapter V, whilst similarly making use of documentary sources, also relies on participant observation and interviews conducted at the May 2010 NPT Review Conference. The author was an NGO delegate to the conference, affiliated to the Acronym Institute for Disarmament Diplomacy, a disarmament advocacy group. Although unconstrained in research activities, the author reported most days to the director of Acronym, providing assistance in the institute's reporting on the Review Conference and administrative assistance to the institute's lobbying activities; and, when it seemed conducive to a more forthcoming response, the author emphasised his affiliation when securing interviews with governmental and NGO representatives.

A participant-observation approach has a number of advantages for the purposes of this thesis. In the general sense, as Bailey notes, participant observation allows for the collection of non-verbal data; for the recording of data as a process develops; and for the building of informal and more intimate personal relationships.¹⁴ Participant observers, according to Peter Jarvis, learn 'to experience the practice situation in ways similar to how the practitioners themselves experience it, thereby enabling them to record a more accurate understanding of the experience'.¹⁵ In the specific context of the Review Conference, participant observation methodology had both procedural and substantive advantages. In procedural terms, active affiliation with an NGO provided access to the conference itself, as well as side events organised during the month of May 2010 at the United Nations and various national embassies; it also helped provide relatively friendly audiences with disarmament-aligned diplomats. Moreover, being involved with the Acronym Institute's respected reporting on the conference allowed the

¹⁴ Kenneth D. Bailey, *Methods of Social Research* (New York: Free Press, 1978). Quoted in Peter Jarvis, *The Practitioner Researcher: Developing Theory from Practice* (San Francisco: Jossey-Bass, 1998), p. 100.

¹⁵ Jarvis, *The Practitioner Researcher*, p. 100.

author on occasion to provide interview targets with information on events elsewhere in the negotiating process, as an incentive for cooperation. In substantive terms, participant observation allowed the author to experience at close range the physical and emotional demands of the United States' 'good faith' approach to the conference, as well as the pressure applied by disarmament advocates in the NGO and non-nuclear-weapon-state communities. It also allowed for a greater understanding of the scale and complexity of the Review Conference process, and the effects of personal diplomatic relationships in producing compromises.

The interviews conducted both in support of the archival history and at the Review Conference were semi-structured: this allows for the collection of some comparable data, but with the advantages of being able to develop ideas, challenge responses, and allow interviewees to place stress on the issues most important to them.¹⁶ Lastly, given the importance to this thesis of contrasting actors' expectations and perceptions of the NPT review process with events 'on the ground', interview and participant observation data is used on a complementary basis, in line with the approach advocated by Paul Atkinson and Amanda Coffey.¹⁷

The Article VI literature

The existing literature on Article VI consists of three overlapping debates. The first concerns the original meaning of Article VI, resting on competing interpretations of the negotiating record of the NPT. One side, represented most prominently by Mohamed Shaker's history of the treaty¹⁸ but reinforced by repetition in almost all disarmament-

¹⁶ Hilary Arksey and Peter Knight, *Interviewing for Social Scientists: An Introductory Resource with Examples* (London: Sage, 1999), p. 7.

¹⁷ Paul Atkinson and Amanda Coffey, 'Revisiting the Relationship between Participant Observation and Interviewing', in James A. Holstein and Jaber F. Gubrium, eds., *Inside Interviewing: New Lenses, New Concerns* (London: Sage, 2003), pp. 415-428.

¹⁸ Mohamed Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation, 1959-1979* (3 volumes, London: Oceana, 1980).

friendly literature¹⁹, places Article VI as an equal corner of a three-pillared bargain between non-proliferation, civilian nuclear energy and disarmament, enshrining in the NPT the objective – albeit vaguely expressed – of nuclear abolition.²⁰ This view indeed represents the mainstream view in today’s international political discourse about the NPT, echoed in the 1996 International Court of Justice’s ruling on the legality of use of nuclear weapons and in almost all governmental statements. A revisionist interpretation, however, championed by (among others) Christopher Ford²¹ and Michael Rühle²², posits that the NPT ‘supposed to perpetuate nuclear inequality indefinitely (or at least until 1995), and Article VI was a way of making this fact a little easier to bear’.²³ The key to the debate is two competing interpretations of the same dynamic: the concession by the US and USSR in including a disarmament commitment in their drafts of the NPT. The first school regards this as a necessary condition for the treaty’s existence, and as such a central facet of the ‘bargain’; the revisionists see it as political cover, taken seriously by neither side.

The second debate supplements the first, and concerns the nature of ‘compliance’ with Article VI.²⁴ Here, it is argued on the one hand that, by not pursuing disarmament with sufficient energy, the nuclear-weapon states have failed to live up to their end of the NPT bargain, whilst nonetheless continuing to demand full compliance

¹⁹ See e.g. the reliance on Shaker’s interpretation in Thomas Graham, ‘NPT Article VI Origin and Interpretation’, in Michael May, ed., *P-5 Nuclear Doctrines and Article VI* (Stanford University: CISAC Conference Report, 2008).

²⁰ See e.g. Sameh Aboul-Enein, ‘The roadmap to total nuclear disarmament’, in Perkovich and Acton, eds., *Abolishing Nuclear Weapons*.

²¹ Christopher Ford, ‘Debating Disarmament: Interpreting Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,’ *Nonproliferation Review* 14:3 (November 2007).

²² Michael Rühle, ‘Enlightenment in the Second Nuclear Age’, *International Affairs* 83:3 (2007).

²³ Ibid. p. 514.

²⁴ See e.g. David A. Koplow, ‘Parsing Good Faith: Has the United States Violated Article VI of the Nuclear Non-Proliferation Treaty?’, *Wisconsin Law Review* 301 (1993); George Bunn and Roland Timerbaev, ‘Nuclear Disarmament: How Much Have the Five Nuclear Powers Promised in the Non-Proliferation Treaty?’, (The Lawyers Alliance for World Security, the Committee for National Security and the Washington Council on Non-Proliferation: Washington, 1994); Dan Keohane, ‘Britain’s performance in implementing Article VI of the NPT’, *Contemporary Security Policy* 5:3 (1984) pp. 37-49.

from the non-nuclear-weapon states,²⁵ and even directly violating Article VI in modernising their nuclear weapons systems.²⁶ Some defences of the nuclear-weapon states' record have been made in the academic literature,²⁷ but the bulk of this effort has been left to official statements in the NPT review process.

Lastly, a more recent debate has considered the role of Article VI and disarmament more generally in the international nuclear order. Most notably, William Walker's 2003 Adelphi paper 'Weapons of Mass Destruction and International Order' and subsequent *International Affairs* article 'Nuclear Enlightenment and Counter-Enlightenment' argued that the nuclear order is underpinned by the principle that nuclear weapons are inherently illegitimate, and that without the goal of nuclear abolition as an end state, that order will disintegrate.²⁸ Walker's dissenters depict this argument as grist to the ever-turning mill of a disarmament 'myth', attempting to fashion legal obligations as a means of pressurising the nuclear-weapon states, particularly the United States.²⁹ This debate is a post-hoc attempt to conceptualise the relationship between non-proliferation, arms control and disarmament in the structure of international society, particularly after the end of the Cold War,³⁰ although such attempts have been made before.³¹ A subset of this debate concerns the proposition that a greater effort by the nuclear-weapon states to demonstrate compliance with Article VI will strengthen the non-proliferation regime. This is elaborated in greater detail in Chapter

²⁵ See e.g. Jayantha Dhanapala, 'Common Responsibilities in the NPT: Shared or Asymmetrical' and Mohamed Shaker, 'Shared, But Not Equal Responsibilities', in Scott Sagan et al., *Shared Responsibilities for Nuclear Disarmament: A Global Debate* (Cambridge, Mass.: American Academy of Arts and Sciences, 2010).

²⁶ Philippe Sands and Helen Law, 'The United Kingdom's Nuclear Deterrent: Current And Future Issues Of Legality', Greenpeace opinion, 13 November 2006. Retrieved from <http://www.greenpeace.org.uk/MultimediaFiles/Live/FullReport/8072.pdf>, 15 March 2011.

²⁷ E.g. Frank Miller, 'Disarmament and Deterrence: A Practitioner's View', in Perkovich and Acton, *Abolishing Nuclear Weapons*; see also Ford, 'Debating Disarmament', pp. 413-9.

²⁸ *Weapons of Mass Destruction and International Order* (London: IISS Adelphi Paper, 2003); 'Nuclear Enlightenment and Counter-Enlightenment', *International Affairs* 83:3 (2007).

²⁹ Rühle, 'Enlightenment in the Second Nuclear Age'; Joachim Krause, 'Enlightenment and Nuclear Order', *International Affairs* 83:3 (2007).

³⁰ See also May, ed., *P-5 Nuclear Doctrines and Article VI*; Rebecca Johnson, 'Rethinking the NPT's role in security: 2010 and beyond', *International Affairs* 86:2 (2010).

³¹ Enid C.B. Schoettle, *Postures for Non-Proliferation: Arms Limitation and Security Policies to Minimize Nuclear Proliferation*, SIPRI Report (Taylor & Francis, London 1979).

Five: in essence, supporters of this proposition believe a commitment to disarmament will encourage key non-nuclear-weapon states to agree to additional non-proliferation measures in the NPT context, thus helping to prevent proliferation;³² whilst their opponents argue that progress on disarmament by the nuclear-weapon states is irrelevant to other countries' decisions on whether or not to proliferate.³³ As such, these debates interact with the broader contemporary literature on the desirability and feasibility of disarmament. Most of those who consider disarmament desirable include the Article VI obligation as part of their rationale; and most of those who consider disarmament feasible regard the three-pillar bargain – including the trade of disarmament for non-proliferation – as the conceptual basis of zero.³⁴ Conversely, most of those who deny the desirability of abolition also deny that the NPT and Article VI demand it; and they tend to downplay the argument that disarmament encourages non-proliferation.³⁵

This thesis deals relatively briefly with the compliance question. On the one hand, as will be shown in Chapter IV, non-nuclear-weapon states have in the past demanded measures of disarmament out of proportion with the nuclear-weapon states' NPT obligations and out of touch with the reality of international security, and have for political purposes deliberately understated the benefits of non-proliferation as an end in itself. On the other, the nuclear-weapon states have often used their diplomatic strength to minimise their contribution to the NPT 'bargain', and have achieved tactical victories at the expense of long-term goodwill towards the non-proliferation regime.

Rather, this thesis focuses principally on the broader debate about the role of Article VI and disarmament in the nuclear order. Most importantly, there has never been

³² See e.g. Deepti Choubey, *Are New Nuclear Bargains Attainable?* (Washington, D.C.: Carnegie Endowment, 2008); Robert Litwak, 'Nuclear Non-Proliferation Treaty (NPT)', in Taylor Bolz, ed., *In the Eyes of Experts: Analysis and Comments on America's Strategic Posture* (Washington, D.C.: United States Institute of Peace, 2009), pp. 220-223.

³³ E.g. Stephen Rademaker, 'Blame America First', *Wall Street Journal*, 7 May 2007.

³⁴ George Perkovich, 'Re-examining disarmament obligations', *Bulletin of the Atomic Scientists*, 1 April 2009.

³⁵ Bruno Tertrais, 'Saving the NPT: Past and Future Non-proliferation Bargains', paper presented to Nonproliferation Education Centre conference, Paris, November 2004.

consensus between the nuclear- and non-nuclear weapon states on the relationship between non-proliferation, arms control, and disarmament. For approximately the first thirty years of the NPT's existence, the question was outweighed by strategic realities – the balance of nuclear terror was simple and the benefits of non-proliferation were clear. Since the end of the Cold War, the strategic pressures containing proliferation have lessened and the limitations of the NPT have been exposed. Failures in non-proliferation have, perhaps paradoxically, been accompanied by increasingly strident demands for nuclear disarmament.

This thesis argues that the 'bargain' in the negotiation of the NPT which traded non-proliferation for disarmament was partial and temporary at best, and is habitually overstated; and that a genuine and lasting bargain was superficially struck at the Review Conferences of 1995 and 2000, but that the structure of the NPT review process produced an agreement that existed in diplomatic text but not in political reality. The thesis interprets the renewed momentum behind disarmament as evidence that nuclear-weapon state governments have recognised past shortcomings in living up to the NPT 'bargain' as it currently stands. However, it argues that the current push for disarmament will fail, perhaps taking the core of the non-proliferation regime with it, if it is designed simply as the long-overdue fulfilment of the original NPT 'bargain'. The concept of disarmament needs to be updated – as it has arguably not been since the 1950s³⁶ – and integrated into strategic thought; and military, diplomatic, and political replacements need to be found to fill the roles played for the last sixty years by nuclear weapons.³⁷

³⁶ Freedman, 'Nuclear disarmament', p. 3.

³⁷ For an attempt along these lines relating to Northeast Asia, see e.g. Peter Hayes, 'Extended Nuclear Deterrence, Global Abolition, and Korea', *The Asia-Pacific Journal* 50:2 (December 2009). A security-focused approach to nuclear disarmament is not uncontroversial: see e.g. Zia Mian, 'Beyond the Security Debate: the moral and legal dimensions of abolition', in Perkovich and Acton, eds., *Abolishing Nuclear Weapons: A Debate* (Washington, DC: Carnegie Endowment, 2009).

Origins of the NPT

The legal basis for the Non-Proliferation Treaty was first laid out in a series of Irish draft UN General Assembly resolutions from 1958 to 1961, which focused on non-transfer of nuclear weapons by the existing nuclear-armed states, and non-acquisition and non-receipt by the rest.³⁸ Whilst the treaty was to some extent rooted in concepts of general and complete disarmament (GCD),³⁹ and whilst it was certainly understood as a necessary condition for future disarmament to take place, the goal of non-proliferation was clearly distinguishable from that of disarmament. As Mohamed Shaker puts it, Articles I and II were the *raison d'être* of the NPT.⁴⁰

In practical terms, the NPT was a product of an alignment of the United States' and the USSR's interests in the middle to late 1960s. It is significant that after eight years of advocacy in the United Nations for the drafting of a non-proliferation treaty, what allowed negotiations to begin in earnest was the United States' eventual decision to drop plans for a multilateral nuclear force in Europe (MLF).⁴¹ The superpowers saw a mutual interest in allowing the emerging bipolar nuclear balance to be preserved, and saw a mutual danger in the further spread of nuclear weapons. For example, US Secretary of State Dean Rusk told British Prime Minister Harold Wilson in February 1968, as the NPT negotiations in Geneva were approaching their successful conclusion, that the dangers of allowing the spread of nuclear weapons to five or more states would be immeasurable. What assurance could there be, Rusk asked, that 'a Chiang Kai Shek, a Nasser, a Sukarno' would not try to use nuclear weapons? The US government was equally determined that other European powers – particularly Italy and Germany, 'the countries which had witnessed the rise to power of Mussolini and Hitler' – should never acquire the bomb. Indeed, any suggestion of a nuclear-armed Germany would mean the

³⁸ Shaker, *Non-Proliferation Treaty*, Vol. 1, pp. 3-33.

³⁹ As reflected in the preamble and Article VI of the treaty.

⁴⁰ Shaker, *Non-Proliferation Treaty*, Vol. 1, p. 214.

⁴¹ George Bunn and John B. Rhinelander, 'Looking Back: the Nuclear Nonproliferation Treaty then and now', *Arms Control Today* (July/August 2008).

death of NATO: '[The United States] can be counted out at that point. We shall not fight for them'.⁴²

The treaty was negotiated in the Eighteen Nation Disarmament Committee (ENDC) from 1965-8; the US and USSR, acting as co-chairs, each presented the ENDC with a series of drafts, reaching a joint draft in March 1968.⁴³ What now exists in the treaty as Article VI was not present in the body of the superpowers' original drafts, although there was preambular language dealing with an aspiration towards disarmament. The language of today's Article VI was first proposed in a Mexican amendment in 1967, drawing on a 1965 UNGA resolution drafted by the eight non-aligned members of the ENDC, calling for a treaty which would 'constitute an acceptable balance of mutual responsibility and obligation between the nuclear and non-nuclear Powers'. From 1966 to the summer of 1968 a debate took place within the ENDC over the nature of the obligations to be imposed by Article VI and whether those obligations should include specific measures of disarmament. Consensus was formed around text proposed by the Swedish delegation, leaving the language of Article VI in its current, vague form.⁴⁴ The fact that Article VI was inserted at the behest of the non-aligned movement's (NAM) representatives on the ENDC, and as a concession by the superpowers, has come to define the debates over its implementation.

Parsing Article VI

[Preamble] **Declaring** their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament...

[Preamble] **Desiring** to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national

⁴² Minutes of meeting between PM and Dean Rusk in Washington, February 1968. The National Archives (TNA) DEFE 19/169.

⁴³ Shaker, *Non-Proliferation Treaty*, Vol. 1, pp. 67-125.

⁴⁴ Shaker, *Non-Proliferation Treaty*, Vol. 3, pp. 557-559.

arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,...

[Article VI] Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

The difference in language between the NPT's preambular declaration of intent on disarmament and the vague wording of Article VI illuminates the basis for judging Article VI compliance. The definitive exposition of this reading is provided by Christopher Ford, former US Special Representative for Non-proliferation.⁴⁵ States parties enter into the NPT with the intention of undertaking effective measures in the direction of nuclear disarmament; the NPT's prescription for this intention to be realised is that states parties 'pursue negotiations in good faith' on such measures. The primary basis for judging compliance with Article VI, therefore, is no more than good faith in the pursuit of negotiations, as Ford robustly explains. The text of the NPT does not explicitly require effective measures towards disarmament to be realised in practice.

Yet, despite its intuitive clarity, a narrow reading of Article VI compliance can be a controversial position to take. Included in the 1996 International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons was the assertion that the 'legal import of [the obligation to pursue negotiations in good faith] goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result - nuclear disarmament in all its aspects'.⁴⁶ Mohamed Shaker's negotiating history, moreover, states that among the parties in the ENDC, '[i]t was generally felt that negotiating [on disarmament] was not an aim in itself but a means to achieve concrete results at the earliest possible date. It was also

⁴⁵ Ford, 'Debating Disarmament', pp. 402-5.

⁴⁶ 'Legality of the Threat or Use of Nuclear Weapons', Advisory Opinion, I.C.J. Reports 1996, p. 264.

generally felt that negotiations should start immediately without waiting for the entry into force of the NPT'.⁴⁷

These considerations notwithstanding, Ford's thesis – that the 'plain meaning' of Article VI is the basis for judging compliance – is lent particular weight by his observation that, when required to do so, 'the drafters of the NPT knew perfectly well how to state legal requirements clearly'.⁴⁸ Relatively speaking, the obligations placed on NWS and NNWS in Articles I and II are unambiguous, and in Article III there exists a mechanism for their implementation: the application of safeguards by the International Atomic Energy Agency (IAEA). The vague wording of Article VI, on the other hand, as Shaker concedes, was 'lukewarmly admitted by a number of states as the only solution acceptable to the two super-Powers'.⁴⁹

It is perhaps not coincidental that the literature on this debate should have been written by two diplomatic practitioners with first-hand experience of NPT Review Conferences: on the one hand, a former United States Special Representative for Non-Proliferation, and on the other, a former Egyptian Deputy Permanent Representative to the United Nations and the president of the 1985 NPTRC. Ford's position aligns with that traditionally adopted by the NWS, preoccupied with beating back claims that they are in noncompliance with the treaty. Shaker's is representative of that of many NNWS, and particularly the Non-Aligned Movement, in making the case for an acceleration of concrete progress on disarmament.

The key to reconciling the two sides of this debate lies in a pragmatic recognition of certain realities: that the NPT, like any treaty, is a political entity as much as it is a legal document; that it relies heavily on voluntary compliance rather than enforcement; and that states reserve the right to withdraw. With this in mind,

⁴⁷ Shaker, *Non-Proliferation Treaty*, Vol. 3, p. 572.

⁴⁸ Ford, 'Debating disarmament', p. 403.

⁴⁹ Shaker, *Non-Proliferation Treaty* Vol. 3, p. 572.

particularly with regard to disarmament, whether or not states are in strict legal compliance is often of secondary importance to whether they are perceived by others to be acting in accordance with the spirit of the political bargain the NPT represents. From an academic standpoint, without the need to defend national positions from attack, we can accept the clear logic of a strict interpretation of Article VI compliance without dismissing the functional rationale for a broader conception of the disarmament obligation.

‘Good faith’ is crucial, and can only be judged with broader political considerations in mind. For the moment, however, we might make three propositions for judging good faith: that the end of the Cold War and the attendant thawing of political relations should have made the process of arms control negotiations easier, practically speaking; that the intensity of negotiations on additional measures of disarmament should ideally tend to approximate the intensity of negotiations on additional measures of non-proliferation; and that absent sharp changes in the external security environment, pledges supposedly made in good faith should not simply be ignored, even if they cannot immediately or fully be implemented. The latter proposition, as we shall see, is of particular relevance to the standing of the agreements reached in the NPT review conferences of 1995 and 2000.

The discipline of parsing Article VI is also useful in its implications for the current disarmament agenda. As has been widely noted, the reference to general and complete disarmament in Article VI is evidence that it was recognised at the time of the NPT’s negotiation that there is an intrinsic relationship between the condition of international security and the feasibility of disarmament, and that the achievement of nuclear disarmament would require adjustments to relations between states broader than the abolition of nuclear weapons alone. This issue surfaces in the debate over the absence of negative security assurances from the text of the NPT, discussed in Chapter

One, and in Chapter Five's conclusions on conceptual problems in planning for nuclear abolition

The broader bargain

If Article VI was brought into being somewhat grudgingly, and its language left imprecise, this is not reflected in much of the recent official discourse concerning the NPT, even among the nuclear-weapon states. Article VI is commonly referred to as one of the three 'pillars' of the NPT, along with non-proliferation (Articles I and II) and the 'inalienable right' of states to civilian nuclear energy (Article IV). In a landmark speech on nuclear policy delivered in Prague on 5 April 2009, President Obama stated that '[t]he basic bargain is sound: countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy'.⁵⁰

The current state of the NPT is complex. Superficially, the treaty has performed rather well. Compared to actors' expectations before the NPT came into being, proliferation has been constrained: John F. Kennedy famously warned in 1960 that by the end of his first term there might be ten, fifteen or twenty nuclear-armed countries.⁵¹ Moreover, what was once a temporary and partial treaty has been embedded into the structure of international security: states parties at the 1995 Review Conference agreed unanimously that the NPT would continue in force indefinitely. Yet one NPT signatory, North Korea, has withdrawn from the treaty and conducted nuclear weapons tests, and another, Iran, is inching closer to at least a 'virtual' nuclear weapons capability.

⁵⁰ Remarks by President Barack Obama, Prague, 5 April 2009. Retrieved from http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/, 18 February 2011.

⁵¹ 'Face-to-face, Nixon-Kennedy', Transcript of third Presidential debate, John F. Kennedy Library, 13 October 1960. Retrieved from <http://www.jfklibrary.org/Historical+Resources/Archives/Reference+Desk/Speeches/JFK/JFK+Pre-Pres/1960/Third+Presidential+Debate+101360.htm>, 18 February 2011.

Moreover, three states – India, Israel and Pakistan – were never persuaded to sign the NPT and have since developed and tested (at least in India and Pakistan’s case) their own nuclear weapons. They regard entry into the NPT framework as non-nuclear-weapon states as being incompatible with their security interests (and, for India, incompatible with its global standing); whilst for NPT signatories their entry as nuclear-weapon states is incompatible with the integrity of the treaty.

In addition, the risk of proliferation is increasing as the spread of civilian nuclear energy accelerates. As states in the Middle East and Southeast Asia in particular cite the demands of energy security and climate change as justifications for developing domestic nuclear energy programmes, there remains work to shore up non-proliferation instruments. The Additional Protocol, a voluntary safeguards measure without which the International Atomic Energy Agency (IAEA) cannot be sure of the completeness of states’ declarations about their nuclear programmes, is in force in only 95 states. No consensus has yet been reached on the multilateralisation of the fuel cycle, and non-nuclear-weapon states view attempts to restrict the transfer of enrichment and reprocessing technology as an infringement on their Article IV rights.

The multiple tensions within the non-proliferation regime came to a head at the 2005 NPT Review Conference. The Non-Aligned Movement’s position was determined by its most radical members, Iran and Egypt, who resisted attempts to focus on Iranian safeguards non-compliance, complained vociferously about the NWS’ failure to disarm, and denounced Israeli non-membership of the NPT. The United States and France, for their part, argued that the final document of the 2000 Review Conference, which had outlined thirteen ‘practical steps’ of disarmament for the implementation of Article VI, had no legal standing, and insisted on addressing non-proliferation compliance and enforcement without offering concessions (practical or rhetorical) on disarmament.⁵²

⁵² Harald Müller, ‘The 2005 NPT Review Conference: reasons and consequences of failure and options

The May 2010 Review Conference, therefore, has been presented as an opportunity – and perhaps as a last chance – to revitalise the NPT. With a view to the multiple strands of debate outlined above, there is a recognition that all aspects of nuclear policy must be addressed at once, and as coherently as possible.

The global nuclear agenda is being led by the United States, using nuclear abolition as a framing device to unite its component parts. In his Prague speech, President Barack Obama asserted that ‘[t]he existence of thousands of nuclear weapons is the most dangerous legacy of the Cold War’, and warned that ‘[i]n a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up.’ Citing post-Cold War proliferation, continued nuclear testing, the black market trade in nuclear materials and equipment, the threat of terrorist acquisition of nuclear weapons, and a non-proliferation regime in danger, President Obama committed the United States to ‘the peace and security of a world without nuclear weapons.’⁵³

This pragmatic and broad-ranging agenda stands in opposition to the traditional division between what the late Sir Michael Quinlan called the ‘righteous abolitionists’, who ‘tended to talk of giving up nuclear weapons as though it were a sort of international equivalent of giving up smoking – the kind of thing that any sensible and strong-minded states ought to be able to do without long-drawn-out shilly-shallying’, and the ‘dismissive realists’, who ‘asserted that complete abolition was fanciful dreaming’.⁵⁴ As Benoit Pélodidas puts it, ‘the debates about state and non-state nuclear proliferation, disarmament, deterrence, and security are no longer seen as separate. Instead, they are all considered from the perspective of the perceived properties and utility of [nuclear weapons]’.⁵⁵

for repair’, *Weapons of Mass Destruction Commission* 31 (2005) p. 2.

⁵³ Remarks by President Obama, Prague, 5 April 2009.

⁵⁴ Quinlan, *Thinking about Nuclear Weapons*, pp 153-154.

⁵⁵ Benoit Pélodidas, ‘Critical Thinking About Nuclear Weapons’ (review), *Nonproliferation Review* 17:1 (March 2010), p. 191.

One element of this disarmament agenda focuses on quantitative reductions and practical measures of arms control. Here, the Obama administration pursued a follow-on to the 1991 Strategic Arms Reduction Treaty (START) with Russia as a central foreign policy objective. The treaty was signed in April 2010, and after a surprisingly prolonged and contentious process of debate, during which the treaty came close to being rejected, the United States provided its advice and consent for ratification in December of the same year. The Obama administration reiterated its commitment to ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT), which had been defeated in the Senate in 1999; however, an intensely partisan atmosphere in American domestic politics had at the time of writing meant the CTBT was still yet to be voted on again. The United States is also urging the commencement of negotiations on a Fissile Material Cutoff Treaty; however, the Committee on Disarmament, in the face of intractable Pakistani opposition, has not been able to move past the (admittedly groundbreaking) step of agreeing an agenda of work.

A second strand concerns qualitative measures of disarmament. The congressionally-mandated US Nuclear Posture Review (NPR), released in April 2010, was the product of lengthy debate within the administration about the purpose and structure of US nuclear forces. Despite strong White House efforts to lobby for a reduction in the role of nuclear weapons, the NPR brought a relatively modest shift in the United States' declaratory policy, introducing negative security assurances for NPT signatories in compliance with their non-proliferation obligations.⁵⁶ Despite some quiet suggestions before the May 2010 general election that the British government was considering announcing a 'no first use' or 'no first strike' pledge, adjustments in the

⁵⁶ US Department of Defense, 'Nuclear Posture Review Report' (Washington DC: Government Printing Office, April 2010).

United Kingdom's declaratory policy extended no further than a similar assurance provided in the October 2010 Strategic Defence and Security Review.⁵⁷

Aside from the issues outlined above, it is worth emphasising that there are several long-term questions about the route to nuclear 'zero' which have more to do with strategy and broader questions of international security than with nuclear policy per se, and which certainly have implications that exceed the scope of the debates traditionally conducted at NPT Review Conferences. Among them are the effect of nuclear disarmament on the credibility of US extended deterrence; stability at low numbers of nuclear weapons;⁵⁸ the balance of conventional forces in a world without nuclear weapons, presumably entailing overwhelming US superiority but perhaps complicated by the proliferation of high-precision long-range missiles;⁵⁹ and the development of new regional and global security architectures.⁶⁰

As a closing note, it is important to understand why the contemporary international debate about nuclear policy is so complex and so contested. For a state to build and maintain a nuclear arsenal capable of effectively deterring potential adversaries usually requires a large and sustained investment of funds, the development of advanced scientific and technical expertise, the reordering of military doctrine and infrastructure, and a comprehensive rethinking of national defence. It is typically accompanied by severe political costs, in the form of political and military reactions by both friends and foes. Although military nuclear programmes can have their own momentum once started, and although states may first choose nuclear hedging strategies rather than opting directly to develop a military programme, developing nuclear

⁵⁷ 'Brown to speak on Britain's nuclear arsenal', *guardian.co.uk*, 18 March 2010. Retrieved from <http://www.guardian.co.uk/world/julian-borger-global-security-blog/2010/mar/18/brown-nuclear-trident>, 18 February 2011.

⁵⁸ E.g. James Acton, *Deterrence During Disarmament: Deep Nuclear Reductions and International Security* (London: IISS Adelphi Book No. 417, 2011)

⁵⁹ See e.g. Dennis Gormley, 'The Path to Deep Nuclear Reductions: Dealing with American conventional superiority', *IFRI Proliferation Papers* 29 (Fall 2009).

⁶⁰ See e.g. Harald Müller, 'The Importance of Framework Conditions', in Acton and Perkovich, eds., *Abolishing Nuclear Weapons*, pp. 171-4.

weapons is ultimately a strategic decision taken by political leaders, and one of great significance for all areas of national policy. This being the case, the business of non-proliferation, arms control and disarmament is one that ultimately entails political and strategic decisions with broad-ranging consequences. Forgoing or abandoning a nuclear capability affects a state's regional security, international standing, self-image, industry, economy and knowledge base.

The approach taken in this thesis, therefore, will be to relate the diplomatic mechanism of the NPT to the broader strategic balance it seeks to maintain; to consider Article VI not simply in terms of legal compliance but in terms of its conceptual significance in relating non-proliferation to disarmament; and to analyse current trends in disarmament thinking in the context of the goal of enhanced international security, not simply the goal of abolishing one category of weapon. In so doing it is hoped that the conclusions presented here will contribute to a research agenda whose aim '[is] in the first instance not to establish or advocate a programme of action or to inaugurate a negotiation, but simply to lay a better foundation of understanding upon which debate about prospects, options, and possible path-clearing work might be advanced'.⁶¹

⁶¹ Quinlan, *Thinking about Nuclear Weapons*, p. 164.

1. Chapter One: The political foundations of the NPT, 1964-66

1.1 Introduction

During the period from the Johnson administration's first presentation to the Eighteen Nation Disarmament Committee on 21 January 1964 to the intensive US-Soviet bilateral discussions of late 1966, the Non-Proliferation Treaty (NPT) was transformed from merely one of many aspirational proposals on the multilateral disarmament agenda into international diplomacy's most pressing priority. The single most influential factor in this transformation was a shift in priorities in the United States which led to the active pursuit of an NPT and the gradual abandonment of plans for a multilateral NATO nuclear force (MLF). This in turn allowed the NPT to become the subject of direct and constructive cooperation by the superpowers, both in initiating the process of negotiating the NPT's content and, equally importantly, dealing with the demand by non-nuclear-weapon states that the NPT must contain compensation for the 'sacrifice' of nuclear renunciation.

This story has typically been told either as an insider account of the MLF debate, or alternatively as an analysis of the UN resolutions that provided the formal mandate for the NPT negotiations when they began in earnest in 1967.¹ Both of these narratives of course have their place, and indeed are examined in detail here. However, there is a further factor which has yet to be satisfactorily examined: namely, the political motivations of the United States – the treaty's primary architect – in its shift to non-proliferation policy, and the manner in which those motivations set the context in which the scope and nature of the treaty would later be determined.² In particular, during this

¹ For the definitive example of the former, see George Bunn, *Arms Control by Committee: Managing Negotiations With the Russians* (Stanford: Stanford University Press, 1992), pp. 66-82; and of the latter, see Shaker, *The Non-Proliferation Treaty*, Vol. 1, pp. 3-103.

² For a notable but flawed exception, see Dane E. Swango, *The Nuclear Non-Proliferation Treaty: Constrainer, Screener, or Enabler?*, PhD thesis, (Los Angeles: University of California, 2009). Swango makes a welcome attempt to include these political considerations, using some relevant US archival documents. However, in my view, he focuses on US and Soviet concern over India and West Germany to the exclusion of the broader purpose of the treaty as a multilateral instrument as discussed

period the nature of a potential ‘bargain’ began to be defined, including a distinctive but limited role for arms control and disarmament. It is only with a clear sense of this process in its entirety that the formal negotiations on the NPT from 1967-8 (the subject of the next chapter) can be fully understood.

This chapter therefore uses archival records from the United States and United Kingdom to supplement existing literature on the period of the NPT’s conception. The chapter begins by describing the United States’ shift away from general and complete disarmament (GCD), which set the stage for partial measures of arms control, of which the non-proliferation treaty was one. It then explains the rise of non-proliferation as a priority within US policy, and analyses the conceptual framework in which non-proliferation was cast. The chapter then examines the tentative move to cooperation between the superpowers, with particular emphasis on US alliance politics and US-Soviet collusion in facing the non-nuclear powers. At this point it explains developments in multilateral diplomacy during the same period, with reference to the ways in which US and US-Soviet interests and tactics shaped multilateral outcomes, as well as how multilateral pressure influenced the superpowers. Finally, the chapter concludes with an account of the emerging realisation within the United States of the need to compensate for the non-nuclears’ ‘sacrifice’ in foreswearing nuclear weapons, emphasising in particular the focus on the perceived loss of prestige, and thus the political role of arms control and disarmament.

The result of this treatment is an account of the NPT’s formative years which fleshes out our understanding of the context in which the treaty came to be negotiated, and which shows the boundaries of the NPT ‘bargain’ as it began to be set. The chapter reaches four conclusions: firstly, the United States was converted to the idea of non-proliferation grudgingly and only partially, limiting the sacrifices it was willing to make

later in this chapter; and, as discussed in Chapter Two, my view is that more weight should be given to the formal negotiating record found in the records of the ENDC.

in order to secure the negotiation of an NPT.³ Secondly, once a compromise on the MLF issue appeared to be within reach, the superpowers pursued a tactical approach to multilateral diplomacy on non-proliferation with the specific goal of keeping the non-nuclear states' demands – and particularly those of the non-aligned – in check. Thirdly, the US and USSR were assisted in this cause by the non-nuclear states' own divisions over the minimum extent to which arms control and disarmament would have to feature in an acceptable non-proliferation treaty – and the superpowers began jointly to manage their approach to the non-proliferation negotiations to exploit that tendency. Lastly, it was stated both in private and in public that progress on non-proliferation and disarmament by the superpowers would be a factor in influencing non-nuclear states' willingness to sign a non-proliferation treaty. However, at least in the United States, this recognition was framed in a narrative which particularly emphasised the loss of prestige in forswearing nuclear weapons, and thus treated arms control and disarmament – in the context of the NPT – as primarily a matter of politics.

1.2 The US shift to non-proliferation

1.2.1 Prelude: away from general and complete disarmament

Before turning to the NPT itself, it is worth considering the context in which non-proliferation policy emerged. Just as nuclear strategy in the United States in the early 1960s had begun to shift away from absolutism, abandoning the requirement for primacy and focusing instead on stability, so had the approach to disarmament negotiations receded from an absolutist focus on 'general and complete disarmament' to separable and partial measures. The subsequent focus on smaller, achievable steps

³ In this sense, the thesis is in agreement with Swango's argument that the superpowers were willing only to 'pay a fixed price' to achieve the NPT; however, it differs in the nature of that price, and the way in which it was set. Swango applies the concept of a fixed price to the negotiations in the ENDC. See Swango, *The Nuclear Non-Proliferation Treaty*, pp. 76-82.

allowed for the idea of a non-proliferation treaty, a partial measure to avert the dangers of uncontrolled nuclear spread, to be pursued.

Now, as it happened, the concept of general and complete disarmament had reached its official and intellectual zenith at roughly the same time as the emergence of the arms control idea. 1959 saw the British intellectual Philip Noel-Baker win the Nobel Peace Prize for his writing on general and complete disarmament, laid out in his most famous work, *The Arms Race*; and later that year, the goal of general and complete disarmament was enshrined in UN General Assembly Resolution 1378(XIV). By 1961, the United States and Soviet Union had outlined joint principles for the pursuit of that lofty ambition, in the form of the McCloy-Zorin accords, which were framed by President Kennedy in a 23 September 1961 speech to the United Nations as a formal recognition of the relevance and practicality of general and complete disarmament. The Eighteen Nation Disarmament Committee, in which the NPT would eventually be negotiated, was created with an explicit mandate from the General Assembly to pursue a programme for general and complete disarmament.⁴

Yet, despite its prominence in the multilateral arena, in the private thinking of the superpowers, and particularly the United States, general and complete disarmament ran counter to the prevailing logic. As Freedman notes, from the mid-1950s onwards, ‘US disarmament policy increasingly reflected the view that nuclear weapons could play a constructive international role by underlining, in the starkest possible way, the dangers of all-out war.’⁵ The corollary of this argument was that the superpowers ‘learnt to describe their goals in terms of stability and followed measures designed to sustain political control at times of crisis... Arms control, and its associated activity, became

⁴ See Randy Rydell, ‘Nuclear Disarmament and General and Complete Disarmament’, in David Krieger, ed., *The Challenge of Abolishing Nuclear Weapons* (New York: Transaction, 2009), pp. 227-242.

⁵ Lawrence Freedman, ‘Nuclear disarmament: The need for a new theory’, *Lowy Institute Perspectives*, March 2009, p. 5.

one mechanism for adjusting superpower relations.’⁶ As a precept for the governing of Cold War relations, this dynamic would take several years to be consolidated; but one significant early step in its emergence was the abandoning by the United States, in practice if not in publicly-expressed principle, of general and complete disarmament as a programme for action.

General and complete disarmament was abandoned both practically and politically. In practical terms, as William Walker has written, the crises of Berlin and Cuba ‘fostered the view in Washington, Moscow and other capitals that security and survival could henceforth only be achieved through greater practice and institutionalisation of restraint, and through strategic developments that brought a more stable balance of power and diminished risks of escalation to all-out nuclear war’.⁷ The urgency of achieving something practical in disarmament negotiations was given official expression in President Kennedy’s National Security Action Memorandum No. 239 of May 1963, which, whilst maintaining a rhetorical commitment to the value of proposals on general and complete disarmament, ordered ‘an urgent re-examination of the possibilities of new approaches to significant measures short of general and complete disarmament’ for the United States to propose to the resumed session of the ENDC.⁸

Politically speaking, general and complete disarmament was frequently described either as a Soviet-led propaganda exercise, or, according to its fiercest critics, as a dangerous strategy to weaken the United States. A 1961 National Intelligence Estimate, for example, asserted that the Soviets ‘have hit upon their proposal for general and complete disarmament as a way to capture the universal yearning for peace and, at the same time, to label the West as “against” disarmament. It is not a proposal which

⁶ Freedman, ‘Nuclear disarmament’, p. 7.

⁷ William Walker, *A Perpetual Menace: Nuclear Weapons and International Order* (London and New York: Routledge, 2012), p. 64.

⁸ National Security Action Memorandum No. 239, 6 May 1963, FRUS, Vol. VII, No 284.

they expect to have to make good on, but it is a highly potent instrument of political warfare.’⁹ When the United States submitted a draft treaty on general and complete disarmament to the ENDC in April 1962, the Joint Chiefs of Staff led a chorus of protest. In 1963, the Joint Chiefs submitted a strident memo to Secretary of Defense Robert McNamara, arguing that ‘[t]he negotiations conducted to date suggest that General and Complete Disarmament (GCD), with its very serious limitations on sovereignty, is not attainable within the foreseeable future and should not be the objective of a proposed treaty text at the present time. It appears rather that GCD should stand as an ultimate goal and that we should turn our attention toward the achievement of more feasible agreements.’¹⁰

Indeed, general and complete disarmament proved so politically toxic that it damaged the standing of the newly-formed Arms Control and Disarmament Agency (ACDA) for years. According to Duncan L. Clarke, ‘ACDA was to spend much of the 1960s trying to convince critics that GCD was dead’,¹¹ and the damage done to ACDA’s image ‘clouded its relations with Congress throughout the remainder of the Kennedy and Johnson administrations, although the Agency had entirely washed its hands of GCD by 1963’.¹² By the time Johnson’s arms control advisors came to formulate proposals for the new session of the ENDC in 1964, the move away from general and complete disarmament was complete. In January 1964, National Security Adviser McGeorge Bundy wrote to McNamara describing a new approach to the disarmament negotiations, with sixteen itemised proposals under two general headings: ‘nuclear containment’ (including ‘non-dissemination’ and ‘non-reception’ of nuclear

⁹ National Intelligence Estimate: Attitudes of Key World Powers on Disarmament Issues, submitted by the Director of Central Intelligence, 6 April 1961. FRUS, Vol. VII, No. 13.

¹⁰ Joint Chiefs of Staff to Secretary of Defense McNamara, Memorandum: ‘Criteria for Militarily Acceptable Comprehensive Arms Control and Disarmament Proposals’, 8 October 1963. FRUS, Vol. VII, No 368.

¹¹ Duncan L. Clarke, *Politics of Arms Control: The Role and Effectiveness of the U.S. Arms Control and Disarmament Agency* (New York and Macmillan, 1979), p. 31.

¹² Clarke, *Politics of Arms Control*, p. 32.

weapons) and ‘immediate reduction or limitation of arms’.¹³ As Hal Brands has observed, the true significance of these proposals lay not so much in their content as in the manner of their presentation.¹⁴ Bundy stated that ‘each separate numbered item should be something which we are prepared to negotiate on its own terms. The posture we seek to present is that of a nation which believes that the way to begin is to begin.’¹⁵

This was a decisive shift: at no point after 1963 was general and complete disarmament the subject of serious negotiations in the ENDC or its successor institutions. Rydell argues that ‘the world community had essentially concluded that if GCD could not be achieved at once, the alternative was a building-block approach, with GCD very much the internationally agreed “ultimate goal”.’¹⁶ However, another way of reading the situation is that the United States had come to see limited and discrete arms control measures as serving its direct interests, while seeing the pursuit of GCD as a practical matter as a politically unsatisfactory distraction.

1.2.2 Prioritising non-proliferation

The Johnson administration had inherited from Kennedy a commitment on paper to pursuing a non-proliferation agreement which was undermined in practice by a parallel commitment to developing a jointly-owned multilateral nuclear force (MLF) for the NATO allies, which provoked such strong Soviet objections (on the grounds that it amounted to arming the FRG) as to make a non-proliferation treaty a practical impossibility. Attachment to the MLF concept, in fact, had somewhat hindered full exploration of diplomatic options for non-proliferation by the US policy machinery. Over the course of 1964 and 1965, however, the perceived threat from nuclear spread,

¹³ McGeorge Bundy to Robert McNamara, Memorandum, 14 January 1964, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 13 Vol. 1, No. 49a.

¹⁴ Hal Brands, ‘Progress Unseen: U.S. Arms Control Policy and the Origins of Détente, 1963-1968’, *Diplomatic History* 30:2 (April 2006), p 255.

¹⁵ Bundy to McNamara, 14 January 1964.

¹⁶ Rydell, ‘Nuclear Disarmament and General and Complete Disarmament’, p. 233

and the corresponding idea of non-proliferation, were consolidated in bureaucratic thought in the US government. Non-proliferation was recognisably distinct from ‘non-dissemination’, whose semantic implication was that the key was to persuade the existing nuclear powers not to pass their weapons on. Non-proliferation concentrated on the motivations and capabilities of non-nuclear states, and assigned the nuclear powers – particularly the superpowers – the task of maximising their (recognisably limited) agency in affecting those motivations and capabilities.

The single greatest factor in driving this line of thinking was the emergence of China as a nuclear-weapon power. Although the shock of China’s 16 October 1964 nuclear test can be exaggerated, it held great significance as a demonstration of the potential widening of the nuclear club. With the prospect of Chinese and Indian nuclearisation in mind, a subcommittee to the Committee of Principals on disarmament had been formed in the summer of 1964, headed by Ambassador Llewellyn Thompson (and thus known thereafter as the Thompson Committee), to study the problem of nuclear spread. In the wake of the Chinese test, however, Johnson established an external committee under the chairmanship of Roswell Gilpatric to ‘get a higher-level, harder look at the problem of nuclear spread – a better policy than we would be able to get by using our interhouse machinery’.¹⁷

Recent scholarship has rightly elevated the importance of the Gilpatric Committee’s work in drawing attention to non-proliferation within the US government. The unwillingness of major administration figures to abandon the MLF had consigned non-proliferation to a ‘case-by-case’ policy, rather than the pursuit of a multilateral instrument. Support for the MLF was strongest in the State Department and among selected senior officials such as National Security Adviser McGeorge Bundy; non-proliferation as a policy initiative in its own right found most vocal support in ACDA.

¹⁷ Quoted in Brands, ‘Progress Unseen’, p. 265.

Secretary of Defense Robert McNamara held a foot in both camps, although he would later be instrumental in shifting the balance of power towards the pursuit of a non-proliferation treaty.

The deliberations and final report of the Gilpatric Committee, as historians such as Frank Gavin and Hal Brands have argued in recent years, were instrumental in shifting the internal balance on non-proliferation away from the case-by-case approach, and towards a more coherent policy. Calling for ‘energetic and comprehensive steps’ to control the spread of nuclear weapons, the Gilpatric Report argued that the US should intensify its efforts for the ‘widest and most effective’ non-proliferation treaty possible. It stopped just short of recommending that the MLF should be sacrificed in favour of an NPT, but stated that the respective priority accorded to each ‘should be carefully reviewed’.¹⁸ Its most tangible result was National Security Action Memorandum 335, issued by Johnson on 28 June 1965, which, as Brands notes, included the significant step of shifting primary responsibility for non-proliferation away from the State Department and onto ACDA’s shoulders.¹⁹

However, the politics of the Gilpatric Report interfered somewhat with its impact. Some aspects of its contents were leaked, and interpreted by the press as a call to kill the MLF. Equally damagingly, its substance, along with broader details of the internal debate on non-proliferation, was apparently briefed to Robert Kennedy, who made a speech to the Senate in June 1965 calling for non-proliferation to be made a ‘central priority of American foreign policy’.²⁰ Johnson was so irritated by this that the White House asked for a review of the content of Kennedy’s speech, which concluded that Kennedy was familiar with the contents of the Gilpatric Report and moreover had almost certainly been briefed on ACDA’s internal deliberations over a speech on non-

¹⁸ A Report to the President by the Committee on Nuclear Proliferation [henceforth ‘Gilpatric Report’], 21 January 1965, in FRUS, Vol. XI, No. 64.

¹⁹ Brands, ‘Progress Unseen’, p. 268.

²⁰ UPI, ‘Extracts from Senator Robert Kennedy speech on non-proliferation’, 23 June 1965, in LBJL, NSF, Name File – Spurgeon Keeny Memos, Box 5, Vol.1, No.43b.

proliferation soon to be given by Secretary Rusk.²¹ Regardless of the merits of its contents, the Gilpatric report was somewhat tarnished by the politics of its release.

In fact, from the Gilpatric Report's publication in January 1965, it took until the summer of 1966 for the Johnson administration to make serious adjustments in its negotiating position on a non-proliferation treaty. Two factors can be identified as probable causes for this reticence, and both would remain relevant even in later years. The first was an instinctive reluctance to reduce the United States' flexibility in nuclear arrangements, translated in specific terms into continued support for the MLF. As will be discussed later, this led to sharp disagreements between the US and UK over the summer of 1965, when the UK tried to introduce a draft NPT in the ENDC that would have ruled out the MLF. The second factor was an acute sensitivity to the political predicament of US allies, with the corresponding belief that the MLF project could at the very least not be dismantled in public, and certainly not at the apparent command of the Soviet Union. This was most salient in the case of West Germany: as Bunn records, settling the question of NATO nuclear arrangements with the FRG was given priority over the pursuit of the NPT in 1965, during which time the idea of the McNamara Committee (later the Nuclear Planning Group) was pursued as a means of compensation if a multilateral force was to prove impossible.²²

Nevertheless, while a non-proliferation treaty may yet have lacked the political support to trump the MLF, over the first two years of the Johnson administration, non-proliferation advocates developed an understanding of the threat from proliferation and of the United States' potential response, which came to determine the eventual shape of the non-proliferation treaty once negotiations were in train. The nature of that understanding is examined below.

²¹ Spurgeon Keeny to McGeorge Bundy, 'Senator Kennedy's statement on non-proliferation', Memorandum, 22 June 1965, LBJL, NSF, Name File – Spurgeon Keeny Memos, Box 5, Vol.1, No.43.

²² Bunn, *Arms Control by Committee*, p. 72.

1.2.3 Understanding proliferation, non-proliferation and the role of the NPT

A series of position papers, briefings and reports from the first two years of the Johnson administration show a consistent attitude to the problem of proliferation – and the need for non-proliferation – with a number of observable features. Firstly, it was recognised that the development of a national nuclear weapons programme was a practical possibility for a much wider group of states than was understood to be the case in the first two decades of the bomb's existence. 'The continuing progress of France in the nuclear weapons field and the recent Communist nuclear test explosion,' wrote Raymond Garthoff in a paper for the Thompson Committee in December 1964, 'demonstrate that nuclear weaponry is not necessarily a game for those who are both white and very rich.'²³ The potential members of the nuclear club in the medium term were imagined to number as many as twenty; a smaller number of states (usually between four and six) came to be assigned the label of 'near-nuclear', capable politically and technically of developing nuclear weapons. Those most frequently named in the latter group of states were, in rough order of nuclear propensity, India, Japan, Israel, the Federal Republic of Germany, and Sweden.²⁴

The prevailing assumption regarding these near-nuclears, secondly, was that the Chinese bomb would push them further towards a national nuclear weapons programme, and that one instance of proliferation by a country in this group would lead to others elsewhere.²⁵ The assumption that proliferation would beget proliferation (to use Sagan's phrase) was intuitive, rarely elaborated in detail, and rarely challenged. The first ACDA position paper on a non-proliferation agreement, debated in the Committee

²³ Raymond Garthoff, 'Background Paper on National Attitudes towards Adherence to a Comprehensive Test Ban Treaty and to a Non-Proliferation Agreement', LBJL, NSF, Files of Spurgeon Keeny – Non Proliferation, Box 8, Vol.3, No.2, 12 December 1964.

²⁴ See e.g. Arms Control and Disarmament Agency, 'Draft US Position Paper: Non-Proliferation of Nuclear Weapons', LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 13, Vol.1, No.24a, 14 August 1964.

²⁵ cf Swango, *The Nuclear Non-Proliferation Treaty*, p. 42.

of Principals from the summer of 1964 through the whole of 1965, is characteristic of this line of thought:

The detonation of a nuclear device by the Chinese Communists has already begun to place increasing domestic pressure on additional countries to make a national decision to develop nuclear weapons... The number of states that could develop nuclear weapons will increase as nuclear technology continues to develop throughout the world. Because of regional rivalries, a national decision by any additional countries may force other countries...to engage in an all-out effort to acquire nuclear weapons either by development or by other means.²⁶

Among proponents of non-proliferation, thirdly, the threat to the United States from the spread of nuclear weapons was either held to be self-evident, or was described only briefly. The most fluent elaboration of the threat from proliferation can be found in the Gilpatric Report:

New nuclear capabilities, however primitive and regardless of whether they are held by nations currently friendly to the United States, will add complexity and instability to the deterrent balance between the United States and the Soviet Union, aggravate suspicions and hostility among states neighboring new nuclear powers, place a wasteful economic burden on the aspirations of developing nations, impede the vital task of controlling and reducing weapons around the world, and eventually constitute direct military threats to the United States.

As additional nations obtained nuclear weapons, our diplomatic and military influence would wane, and strong pressures would arise to retreat to isolation to avoid the risk of involvement in nuclear war. Nevertheless, even then, we could not escape the problem. There would be additional nuclear powers – perhaps some in this hemisphere – individually possessing the capability of destroying millions of American lives.²⁷

The key element in this assessment of the threat was the instinctive fear that proliferation would mean a loss of control by the United States. As Johnson told Soviet Foreign Minister Andrei Gromyko in December 1964, ‘the more nations possessed

²⁶ ACDA, ‘Position Paper on a Non-Proliferation Agreement’, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation, Box 8, Vol.1, No.7a, p.1. Also quoted in Swango, *The Nuclear Non-Proliferation Treaty*, p. 42.

²⁷ Report by the Committee on Nuclear Proliferation, 21 January 1965, in FRUS, Vol.XI, No.64. Also quoted in Swango, *The Nuclear Non-Proliferation Treaty*, p. 36.

nuclear weapons, the greater the danger... [The United States was] not anxious at all to see the number of nuclear powers increase.’²⁸

Lastly, the nature of the threat led to the conclusion that non-proliferation would be a pre-emptive diplomatic strategy with a limited window of time in which to succeed. The Gilpatric Committee declared itself convinced that ‘energetic and comprehensive steps must be taken in the near future to discourage further acquisition of nuclear weapons capabilities or an accelerating increase in the number of nations engaged in nuclear weapons programs will occur – possibly beginning within a matter of months’.²⁹ At this early stage, non-proliferation was not regarded as an end-state, and especially not as a regime: it was a strategy to avoid the coming of a dangerous and unpredictable world.

It should be remembered that as the United States moved towards embracing non-proliferation as a national strategy, a non-proliferation treaty in itself was regarded as only one of a number of tools and methods for preventing proliferation. This is an easily overlooked but important observation – easily overlooked, because of the central significance the NPT has since assumed; important, because it helps us identify the limited role the treaty itself was intended to play in dissuading the initiation of national nuclear programmes. Considering the full scope of measures to be employed in a non-proliferation strategy is a necessary exercise in developing a clear understanding of what a non-proliferation ‘bargain’ between states might have meant.

In the flurry of position papers, briefing memoranda, and committee documents to emerge in the period of nascent non-proliferation thought from 1964-6, a number of different measures were advanced. From these, four rough themes can be identified. First, of course, was the need for a multilateral non-proliferation treaty. In his position

²⁸ Memorandum of Conversation: US-Soviet Relations, Washington, 9 December 1964, in FRUS, Vol.XI, No.54.

²⁹ Report by the Committee on Nuclear Proliferation, p.4.

paper for the Committee of Principals in April 1965, ACDA Director William Foster called this ‘perhaps the single most important element in a nuclear non-proliferation programme’.³⁰ As will be discussed later, the idea of a non-proliferation strategy excluding a multilateral treaty was raised a number of times; nevertheless, by and large, Foster’s position represented a broad consensus, at least among those for whom non-proliferation was a priority.

Second, however, was the pursuit of influence on a bilateral level. ACDA’s first position paper in August 1964, echoed in multiple documents thereafter, called for ‘efforts to discourage individual states from embarking on nuclear weapons programs’.³¹ Possible methods of doing so were elaborated in a number of fora on a country-by-country basis. The Thompson Committee was instructed as early as October 1964, for example, to develop a course of action to deal with pressures on India to pursue the bomb. Having first considered and rejected three courses of action – to assist India’s nuclearisation, to do nothing, or to impose punitive sanctions – the Thompson Committee recommended an effort to reinforce India’s stated non-nuclear policy. This was to be achieved through a mixture of high-level consultations; developing alternatives to nuclear weapons; building a restraining international climate (of which an NPT would form a part); consulting with the UK and Canada, Yugoslavia and Japan, the USSR, and Pakistan; and the provision of bilateral or joint US-USSR security assurances.³² A similar strategy was mapped out vis-a-vis Japan, producing somewhat different conclusions.³³

³⁰ William Foster for the Committee of Principals, Memorandum: US Position on a Program to Inhibit, and Hopefully Stop, Nuclear Proliferation, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol.2, No.37b, p.2.

³¹ ACDA, Draft US Position Paper: Non-Proliferation of Nuclear Weapons, LBJL, 14 August 1964, p.3.

³² Committee on Nuclear Non-Proliferation, Memorandum: The Indian Nuclear Problem: Proposed Course of Action, 13 October 1964, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 13, Vol.1, No.17a, pp. 6-14.

³³ See Committee on Nuclear Non-Proliferation, Memorandum: Japan’s Prospects in the Nuclear Weapons Field: Proposed US Courses of Action, 25 June 1965, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 15, Vol.2, No.15a.

Thirdly, in almost all discussions of the non-proliferation question during this period there was consensus on the importance of providing security guarantees to states forswearing the nuclear option – most of all in the case of India, for whom a potential security assurance was being drafted at least as early as April 1965.³⁴ The form, scope and extent of such assurances was a matter for considerable debate (explored in section 1.2.4 below).

Lastly, it was frequently argued that a favourable international climate would have to be developed to encourage states to forswear nuclear weapons, and that the superpowers' behaviour regarding their own nuclear arsenals would thus be relevant.

The Gilpatric Committee concluded, for example, that:

it is unlikely that others can be induced to abstain indefinitely from acquiring nuclear weapons if the Soviet Union and the United States continue in a nuclear arms race. Therefore lessened emphasis by the United States and the Soviet Union on nuclear weapons, and agreements on broader arms control measures, must be recognized as important components in the overall program to prevent nuclear proliferation.³⁵

The relevance of this conclusion for subsequent debates over the role of disarmament in the non-proliferation 'bargain' is clear.

In the eyes of the arms controllers in the United States government, therefore, a non-proliferation treaty was essential for a strategy of non-proliferation, but not sufficient. It was an instrument to be supplemented with others, and to be used in a political atmosphere designed to encourage nuclear renunciation. The subtleties of this strategy were elegantly expressed by ACDA Deputy Director Adrian Fisher to President Johnson in May 1966, when the United States' commitment to a non-proliferation treaty was still a matter for debate. If the US and USSR were to agree on a non-proliferation treaty, Fisher argued, 'the issue would not be whether a treaty would stand in the way of

³⁴ See Committee on Nuclear Non-Proliferation, Memorandum: Progress Report of the Committee on Nuclear Non-Proliferation, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol.2, No.38a, p.2.

³⁵ A Report to the President by the Committee on Nuclear Proliferation [Gilpatric Committee], 21 January 1965, in FRUS, Vol.XI, No.64.

the supreme national interests of [the non-nuclear states]. The issue would rather be whether a US-Soviet sponsored international consensus, finalized in a treaty, would be a factor to be taken into account in determining what the supreme national interest of those countries was. Clearly,' he concluded, 'it would be.'³⁶

1.2.4 Security assurances

From an early stage, US policymakers calculated that if non-nuclear states were to be persuaded to forgo a national nuclear programme, they would require some substitute for the security benefits of nuclear weapons. This, after all, had been part of the rationale for a multilateral NATO nuclear force: access to NATO-owned weapons would remove part of the incentive for allies to develop their own. The case of India – a country allied with neither superpower and facing a newly-nuclearised rival in its immediate neighbourhood – was central in leading US policymakers to the idea that non-proliferation might require the extension of security assurances beyond the allies. A February 25 1965 National Intelligence Estimate, for example, warned that 'unless the Indian government considers that it has international guarantees which adequately protect its security, the chances are better than even that within the next several years India will decide to develop nuclear weapons'.³⁷

The assurances question was taken up by both the Thompson and Gilpatric committees in 1964 and 1965. As was the case in the broader debate about non-proliferation, a key point of contention was whether security assurances ought to be provided on a case-by-case basis or in multilateral form. Non-proliferation advocates, particularly from ACDA, favoured multilateral instruments, whilst many in State argued

³⁶ Adrian Fisher to Lyndon Johnson, Memorandum: Constructive Initiatives Addressed to Eastern Europe and the Soviet Union, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 30, Vol.1, No.19a, p.2.

³⁷ Cited in Llewellyn Thompson for Thompson Committee, 'A Possible General Assembly Resolution to Provide Assurances to the Non-Nuclear Countries', Memorandum, 12 April 1965. LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol.2, 36b.

for a selective approach. The primary focus of early thinking on this issue, deriving from India's fear of nuclear blackmail by China, was on 'positive' assurances: that is, promises to defend non-nuclear countries against nuclear attack by a third party. In theory, positive security assurances would have been the obvious trade-off for a commitment not to pursue national nuclear forces, extending the protection offered by nuclear weapons to a country that had chosen to forgo them. However, as US policymakers quickly came to realise, implementing positive security assurances in practice would raise serious problems: they might not be credible; the costs of implementing them might be unacceptably high; and they might encourage adventurism by the subject of the guarantee, emboldened by a promise of protection by the United States. In fact, the criteria for an acceptable formula for positive assurances were exceptionally strict, perhaps even to the point of making a worthwhile assurance impossible. In a paper to the subcommittee on nuclear proliferation, for example, Llewellyn Thompson argued that an acceptable formula would have to:

...meet US security requirements and not commit us to action which we would be unwilling to take...

...meet the Indians' desire to maintain their neutral status...

...provide the Indians with some assurance that the Soviets would not threaten counter-measures against the US... Otherwise our assurances would lack credibility...

...not appear to be singling out the Indians for protection or the Chinese Communists as the only potential aggressor...³⁸

A secondary question was that of 'negative' security assurances, which would consist of promises by nuclear-weapon states not to use, or threaten to use, nuclear weapons against non-nuclear-weapon states. Although lacking the strength of positive assurances, such a commitment would, in theory, reassure non-nuclear states that a non-proliferation treaty would at least not leave them vulnerable to legalised nuclear

³⁸ Thompson, 'A Possible General Assembly Resolution', 12 April 1965.

blackmail. ACDA argued for the inclusion of a negative security assurance in the text of a non-proliferation treaty, on the grounds that it would give strength to the arguments of opponents of proliferation in the near-nuclear states: 'They would no longer be in a position of asking their own countries to forgo the use of nuclear weapons at a time when the principal nuclear powers could give them no assurance that they would not use those weapons against them.'³⁹ That proposal was strongly opposed by the Joint Chiefs, who argued that the United States 'must retain flexibility in its strategy to assure its security under all conditions', and warned that '[s]uch a provision could conceivably be used to advance a total prohibition against nuclear arms'. Rather more obliquely, the Joint Chiefs suggested that a negative security assurance could 'result in a misinterpretation of the US effort in Southeast Asia by the Governments of Communist China and North Vietnam'.⁴⁰

In the end, the United States' hand on the assurances issue was somewhat forced by the need to counter the Kosygin proposal (which, as outlined further in detail below, would have provided a negative security assurance to all non-nuclear signatories of a non-proliferation agreement who did not host nuclear weapons on their territory). At a Committee of Principals meeting in February 1966, Rusk decided, over Foster's objections, that no form of negative security assurance could be included in the text of a non-proliferation treaty, and that, instead, the US should pursue a loose form of multilateral positive security assurance in the form of a UN resolution.⁴¹ The slightly confused combination of the two forms of assurance reflected contemporary

³⁹ ACDA, 'Position Paper on a Non-Proliferation Agreement', 16 July 1965, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation, Box 8, Vol. 1, No 7a, p. 13.

⁴⁰ Earle Wheeler to Robert McNamara, 'ACDA Memorandum for the Committee of Principals, Position Paper on a Nonproliferation Agreement, 16 July 1965', Memorandum, 6 August 1965, LBJL, NSF, Subject File – Disarmament – 18-Nation Disarmament Conference (ENDC), Box 13, Vol. 1, No 68c.

⁴¹ Summary of Action: Meeting of the Committee of Principals, February 28 1966, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol. 3, No 15. C.f. Swango, *The Nuclear Nonproliferation Treaty*, pp. 115-6.

sensitivities over Vietnam: it was believed that this was a particularly bad time for the United States to be seen to be extending its commitments around the globe.

In all, then, despite the recognition that security assurances would be significant in affecting the thinking of potential nuclear powers, the United States proved unwilling to provide them: instead, they followed a low tactical posture designed primarily to fend off undesirable alternatives. Here, in the continuing battle between the push for a coherent non-proliferation policy and the desire to keep US options open, flexibility won the day. Non-proliferation may have been important, but it did not prove important enough for the US to accept significant limits or significant risks in the field of security assurances.

1.3 Compromise between the superpowers

1.3.1 The US commits to a non-proliferation treaty

The decisive shift in the Johnson administration's non-proliferation policy began in June 1966. This was the moment at which internal debates that had been simmering for the last two years reached the point of presidential input, at which point Johnson came down firmly on the side of pursuing an NPT. Johnson asked for a re-examination of options for action on the non-proliferation question at an NSC meeting on 9 June;⁴² a month later, following an internal review, the President's remarks at a press conference indicated in public his desire for compromise, and a potential softening of the US position to that end.⁴³ Once that decision was taken, it took a relatively short time (until December 1966) to get to the basis of a compromise.

The shift, in a general sense, was rooted in the prioritisation of non-proliferation explored above. However, the specific timing of the shift – why now, after all, rather than two years earlier? – was the result of three key developments. Firstly, there had

⁴² Memorandum: 'NSC Meeting, June 9', 9 June 1966, FRUS, Vol. XI, No. 136.

⁴³ 'Johnson Softens Atom Pact Stance', *New York Times*, 5 July 1966.

gradually emerged a series of signs that the Soviet Union was serious about the need for a treaty, and that it would be willing to make some sort of compromise. As Hal Brands has convincingly demonstrated, Soviet thinking on non-proliferation had evolved in a similar fashion to that of the United States: a narrow preoccupation with the FRG had broadened, from late 1964 onwards, to a more general concern about the dangers of a nuclear spread.⁴⁴ ‘Beginning in late 1965,’ Brands explains, ‘Soviet officials became increasingly eager to reach agreement on the NPT’, with internal agreement in the Warsaw Pact on the growing need for action on non-proliferation.⁴⁵ This led to three key adjustments in the Soviet position which created space for the Johnson administration to explore an agreement: removing the objection to NATO nuclear consultation; conceding the possibility of a nuclear-armed federal Europe; and, crucially, rescinding the demand for a formal disavowal of the multilateral force.⁴⁶ The overall result from the United States’ point of view, as Walt Rostow later recalled, was that ‘it became increasingly clear that Moscow was prepared to abandon language [in an NPT] that would weaken NATO so long as an MLF or any other alliance arrangement involving the transfer of American weapons to joint ownership would be excluded’.⁴⁷

Secondly, the MLF project was in any case beginning to die of natural causes. The idea had proven unworkable, having been opposed by the UK and France from the beginning, and undermined by the UK’s spoiler tactic of proposing an Atlantic Nuclear Force (ANF). Although it remained necessary to maintain the public impression that the United States’ plans for the defence of NATO were not subject to a Soviet veto, the MLF was gently euthanised in September 1966 by persuading FRG Chancellor Erhard to accept a non-hardware based alternative, in the form of a permanent seat on the

⁴⁴ Hal Brands, ‘Non-Proliferation and the Dynamics of the Middle Cold War: The Superpowers, the MLF, and the NPT’, *Cold War History* 7:3 (2007), pp. 402-3.

⁴⁵ Brands, ‘Non-Proliferation and the Dynamics of the Middle Cold War’, p. 407.

⁴⁶ Brands, ‘Non-Proliferation and the Dynamics of the Middle Cold War’, p. 407.

⁴⁷ W.W. Rostow, *The Diffusion of Power: An Essay in Recent History* (New York: Macmillan, 1972), p. 378.

‘McNamara Committee’, the consultation mechanism that was to become the Nuclear Planning Group (NPG).⁴⁸

Lastly, there was finally a greater sense of urgency about the non-proliferation question. The prospect of Indian nuclearisation was worrying in its own right; but it was even more bothersome as a trigger for further proliferation, and as an example of the kind of proliferation among others that might now be imminent. Foster had written to Johnson in October 1965 urging a ‘new look at our efforts to obtain a non-proliferation agreement as a device for preventing a decision by India to develop nuclear weapons,’ and suggesting that he write to Chairman Kosygin giving a private assurance to the Soviet Union that the United States would not pursue an arrangement that took nuclear weapons out of US control.⁴⁹ Johnson was at this point not yet convinced – or too immersed in Vietnam to pay much attention – although there are some suggestions that on Bundy’s advice, a message along these lines was passed through US diplomats.⁵⁰ Nevertheless, the non-proliferation issue was given further political urgency by Senate hearings convened by Senator John Pastore, the chair of the Joint Committee on Atomic Energy, resulting in a resolution calling on the president to undertake ‘additional efforts’ to achieve a non-proliferation agreement. As Bunn records, the May 1966 resolution shrewdly urged pursuit of an NPT without explicitly blaming Johnson for having prioritised the MLF thus far.⁵¹

Although Bunn attributes responsibility for changing Johnson’s mind to a ‘cabal’ of ACDA officials lobbying White House staffer Bill Moyers,⁵² an equally decisive intervention in this debate, as Swango has emphasised,⁵³ seems to have come from

⁴⁸ Brands, ‘Non-Proliferation and the Dynamics of the Middle Cold War’, p.408.

⁴⁹ William Foster to Lyndon Johnson, ‘A Time for Decision on Non-Proliferation’, Memorandum, 7 October 1965, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation, Box 8, Vol.1 No.6.

⁵⁰ Hal Brands, ‘Progress unseen: U.S. Arms Control Policy and the Origins of Détente, 1963-1968’, *Diplomatic History* 30:2 (April 2006), p.270.

⁵¹ Bunn, *Arms Control by Committee*, p. 73.

⁵² Bunn, *Arms Control by Committee*, pp. 73-4.

⁵³ Swango, *The Nuclear Non-Proliferation Treaty*, p. 63.

Robert McNamara, matching what is typically argued about the relative influence held respectively by the Defense Secretary and the ACDA staff with the president. In a letter dated 7 June 1966, McNamara told Rusk that he thought ‘the growing pressure for proliferation in India indicates that we should reconsider our position on the nonproliferation treaty’.⁵⁴ Along the lines of Foster’s suggestion eight months earlier, McNamara provided language for the US non-proliferation treaty draft that would prohibit the transfer of control over nuclear weapons, including to an association of states, and would prohibit any ‘action, direct or indirect, that would increase the total number of States or associations of States having control of nuclear weapons’.

1.3.2 The superpowers seek common ground

In addition to the threat from India, the costs of persuading the non-nuclear countries to sign up to a non-proliferation agreement seemed to be growing the more that proliferation seemed a possibility and the longer that they were left to caucus amongst themselves as non-nuclear states. Foster warned Soviet ambassador Anatoly Dobrynin in June 1966 that the superpowers faced a problem from ‘countries such as India, Israel, the UAR, Japan, and Sweden, whose asking price for their signature on any Non-Proliferation Treaty was being raised almost daily and therefore, in effect, our opportunity to obtain a Non-Proliferation Treaty was rapidly disappearing’.⁵⁵ The US and Soviet Union expressed a common interest in moving swiftly to negotiate an agreement, before the non-nuclear states could develop a common position to extract serious concessions on security guarantees and disarmament. Dobrynin spoke along these lines to US Ambassador to the Soviet Union Foy Kohler;⁵⁶ and in September

⁵⁴ McNamara to Rusk, Letter, 7 June 1966, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation, Box 8, Vol. 2, No. 12c. Also quoted in Swango, *The Nuclear Non-Proliferation Treaty*, p. 63.

⁵⁵ William Foster, Memorandum of Conversation: ENDC Prospects – Non-Proliferation Treaty, Freeze and Reductions, 8 June 1966, LBJL, NSF, Agency File – ACDA, Box 6, Vol.2, No.5a, p.2.

⁵⁶ Quoted in ACDA, Memorandum: Summary of Recent Soviet “Signals” on Non-Proliferation, 22 September, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation, Box 8, Vol.3, No.16a, p.3

1966, Rusk warned Gromyko that key non-nuclear states were now saying that they would not join an NPT ‘unless it also provided for agreement between nuclear countries for steps toward nuclear disarmament.’ While the disarmament goal might be desirable, he suggested, ‘it should not be a condition of reaching agreement on non-proliferation’.⁵⁷ Gromyko agreed, remarking that ‘if non-proliferation was tied to such matters there might not be any treaty at all’, and wondering ‘whether a treaty with broad participation would be possible in view of such attitudes.’ On these grounds, he told Rusk, there was no time to waste in reaching agreement.⁵⁸

Once US policy had shifted in June 1966, and with the Soviets appearing to be a credible negotiating partner, a non-proliferation agreement became a serious prospect, and a new game began. As Swango puts it, ‘[a]s it became likely there would be an NPT, the issue of the price to pay to oppose proliferation became salient.’⁵⁹ The parameters of that price, for the United States, had three elements: the need to protect existing NATO nuclear arrangements; the need to allow for developing nuclear consultative structures, in particular the ‘McNamara committee’ (later the NPG) that was the crucial concession to the FRG; and the preservation of some kind of ‘European option’, whereby a federal Europe could assume the nuclear status of some of its former constituents. For the Soviet Union, the red line was clear (although not simple to translate into treaty language): the FRG was not to be equipped with nuclear weapons of its own, directly or indirectly. As Dean Rusk put it, ‘[t]he prospect of a West German finger on the nuclear trigger was a *casus belli* for the Soviets’.⁶⁰

For the United States, playing this game presented three difficulties. Firstly, a

⁵⁷ Memorandum of Conversation: Non-Proliferation Agreement (Part IV of IV), 22 September 1966, LBJL, NSF, Country File – USSR – Gromyko Conversations (Nov 64-Jun 67), Box 228, Vol.1, No.26c, p. 2.

⁵⁸ Ibid., p.3.

⁵⁹ Swango, *The Non-Proliferation Treaty*, p. 76

⁶⁰ Dean Rusk, *As I Saw It: A Secretary of State's Memoirs* (London: I.B. Tauris, 1991), p.285. For more detail on the Soviets' preoccupation with the threat of a nuclear FRG, see Swango, *The Non-Proliferation Treaty*, pp. 45-9.

formulation had to be found that would satisfy the Soviets that their nightmare – FRG nuclearisation – would not take place, without requiring the United States to embarrass their ally by submitting in public to Soviet pressure.

Secondly, there was a practical difficulty in finding workable non-transfer language that would at the same time legitimise NATO arrangements. For example, when Foster told a plenary session of the ENDC in June 1966 that ‘our NATO Allies do not obtain, store, deploy, transport, aim or attach to missiles or planes, any US nuclear weapons...’, he was stretching the truth to breaking point. The Deputy Undersecretary of State for Defense, Alexis Johnson, wrote to Rusk to explain that NATO allies did indeed transport, aim and attach to missiles and planes US nuclear weapons. The Joint Staff clearance for the statement, he noted drily, ‘had been based on the notion that until a weapon had been keyed to fire, it was not a “nuclear weapon” but merely a very expensive chunk of iron filled with uranium.’ It was very difficult, he observed, to find language that would keep open some form of nuclear sharing, be useful as a tactical debating position, and stand a chance of being accepted by the Soviets.⁶¹

Lastly, all of this had to be done in an atmosphere not otherwise conducive to productive negotiations between the superpowers. As Brands argues, and as Rostow would note in hindsight, the establishment of negotiations on non-proliferation was a proof of concept for détente, even in a testing period of the cold war.⁶² The manner in which these tentative steps were taken is a fascinating subject in itself, including, for example, an approach by a member of the Soviet delegation to a Pugwash conference to Henry Kissinger in September 1966 in which the new Soviet position was stated explicitly.⁶³ George Bunn’s *Arms Control by Committee* is the definitive account of this

⁶¹ Alexis Johnson to Dean Rusk, Memorandum: Comments on the Proposed Revision of the Draft Non-Proliferation Treaty, LBJL, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.11, pp.1-2.

⁶² Brands, ‘Non-Proliferation and the Dynamics of the Middle Cold War’, p.409.

⁶³ Henry Kissinger, Memorandum of Conversation, 19 September 1966, LBJL, NSF, Name File – Spurgeon Keeny Memos, Box 5, Vol.1, No.32a.

process, in which he describes months of negotiations conducted *ad referendum*, with the United States keen to keep their output ‘renounceable’ if necessary.⁶⁴

Nevertheless, after more than four years of apparent stalemate, once political will at the highest levels had been thrown behind the NPT project, a potential basis for compromise was worked out in relatively short order. Johnson’s involvement led to a redrafted Article I, based on the idea of barring transfer of control over nuclear weapons, being floated by Adrian Fisher with Soviet Representative to the ENDC, Alexei Roshchin in July 1966, and received with cautious optimism, though not agreement.⁶⁵ There then followed, in September 1966, an intensive series of discussions between Rusk and Gromyko. The minutes of those discussions give the impression of a frank and wide-ranging dialogue, marked by a genuine desire to persist past initial positions and to take each other’s concerns seriously, bringing the two parties towards a common understanding, and showing more clearly the possibility and likely characteristics of compromise. At the same time as these discussions were going on, FRG Chancellor Erhard was brought round in principle to accepting the idea of a non-proliferation agreement that in practice discarded plans for the MLF, on the condition that existing nuclear arrangements would be supplemented by a permanent role for the FRG in nuclear consultation, and a guarantee of the European option.⁶⁶ By the end of September, the Rusk-Gromyko discussions had resulted in agreement, as Rusk put it, on ‘99% of the problem’:

1) that we not transfer nuclear weapons to any non-nuclear country directly or indirectly; 2) that we not assist any non-nuclear-weapon state become a nuclear power in any possible way; 3) that we never delegate the right to fire US nuclear weapons to anyone else.⁶⁷

⁶⁴ See Bunn, *Arms Control by Committee*, pp.75-80.

⁶⁵ See ACDA, ‘Summary of Recent Soviet “Signals” on Non-Proliferation, 22 September 1966, p.1.

⁶⁶ Brands, ‘Non-Proliferation and the Dynamics of the Middle Cold War’, p.408.

⁶⁷ Memorandum of Conversation: Non-Proliferation, 24 September 1966, LBJL, NSF, Country File –

Gromyko stated explicitly during this conversation that the Soviets would not take issue with further development of nuclear consultations; however, his continued insistence that an NPT explicitly deal with transfer of nuclear weapons to an alliance stood in the way of a final agreement being reached. Gromyko pressed Rusk hard on this point, maintaining that '[i]f the United States intended to create a joint force, then it should say so now... If no such intention existed, and it was his impression that it did not exist, then there should be no obstacle to working out a treaty.'⁶⁸ Rusk's response was that on the point of access to 'physical nuclear weapons themselves it appeared to him [the US and USSR] were in agreement. The problem was to find the right language to express this agreement without involving extraneous matters.'⁶⁹ In other words, language had to be found to codify this agreement without allowing the Soviets to legislate the structure of the NATO alliance.

Again, LBJ took a personal role in bringing these negotiations to fruition. Over two days at Camp David, having been briefed on the Rusk-Gromyko conversations, Johnson outlined a revised national policy focused on the principle that the U.S. would not surrender the president's unique right to fire nuclear weapons,⁷⁰ a policy he tested personally on Gromyko in talks on the afternoon of 10 October. Gromyko promised Johnson that, with an agreement on no-transfer reached, the Soviet Union would be willing almost immediately to sign a non-proliferation treaty; Johnson, in characteristic fashion, told Gromyko he 'did not see why we could not get our pencils out and work out an agreement'.⁷¹ This the two sides duly attempted to do that evening, and here the grounds for compromise were truly laid. When Gromyko again complained that 'if, in

USSR – Gromyko Conversations (Nov 64-Jun 67), Box 228, Vol.1, No.24, p.4.

⁶⁸ Memorandum of Conversation: Non-Proliferation, 24 September 1966, LBJL, NSF, Country File – USSR – Gromyko Conversations (Nov 64-Jun 67), Box 228, Vol.1, No.24, p.7.

⁶⁹ Memorandum of Conversation: Non-Proliferation, 24 September 1966, LBJL, NSF, Country File – USSR – Gromyko Conversations (Nov 64-Jun 67), Box 228, Vol.1, No.24, p.9.

⁷⁰ Walt Rostow, 'Decisions taken by the President, October 1-3, 1966', 2 October 1966, LBJL, NSF, Files of Walt W. Rostow – Meetings with the President April-December 1966, Box 1, No.12.

⁷¹ 'Memorandum of Conversation: Non-Proliferation, Washington, October 10, 1966', dated 13 October 1966, FRUS, Vol.XI, No.157.

fact, the United States does not intend to share control with others he failed to see why this could not be reflected in treaty language,' Rusk's response was an honest account of the United States' political predicament. Gromyko must realise, he said, 'that we cannot accept any language which would be tantamount to our saying to our allies that nuclear defense arrangements are not their business'. The talks concluded with an agreement to delegate Foster and Roshchin to find language which reflected this delicate consensus.⁷²

Even this slow and partial shift was controversial. Walt Rostow, in a private memo to the president, once more revived old objections to the idea of ruling out collective nuclear forces, on the grounds that it would rule out options for Johnson's successors, not only with regard to Germany but also to India and Japan. He recommended that Rusk be allowed to try out new language on the Soviets only under the condition that he told them there would be no firm commitment before the US had consulted its allies, and that the Soviets would receive a written statement that arrangements involving collective ownership of delivery vehicles were not ruled out. Rostow conceded that, against his own instincts, a non-proliferation treaty must now take precedence over maintaining total freedom of action for the United States and its allies, but he accurately foresaw the political ramifications of this shift, and the need to sell the NPT delicately. He recommended that the administration 'prepare detailed scenarios and negotiating plans for dealing with NATO, India, and Japan... We shouldn't come rushing at them with a pocketful of goodies, but we must be ready to head off a nationalistic anti-US reaction... with an alliance nuclear plan that makes the language liveable.'⁷³

In the end, Foster and Roshchin settled on a creatively ambiguous diplomatic formula: the treaty would prohibit transfer of nuclear weapons directly or indirectly 'to

⁷² 'Memorandum of Conversation: Non-Proliferation, Washington, October 10, 1966', dated 13 October 1966, FRUS, Vol.XI, No.158.

⁷³ Rostow to Johnson, 'Non-Proliferation Language', Memorandum, 3 November 1966, LBJL, NSF, Files of Walt W Rostow – Non-Proliferation, Box 11, No.6, pp.1-4.

any recipient whatsoever', thus avoiding the thorny question of prescribing a specific recipient. Rusk gained LBJ's approval for this language at the end of November 1966, with an extensive list of conditions: this language would not disturb existing bilateral arrangements, nor bear on a NATO decision to go to war; it would not affect the establishment of a permanent NATO nuclear planning committee, nor the establishment of a multilateral entity in which non-nuclear weapon states participated, as long as there was no transfer of ownership of nuclear warheads and the US retained control over the warhead; and it would not bar the succession of a federated European state to the nuclear status of a former component.⁷⁴ Instructions were cabled in December to the embassies in key NATO capitals and in Tokyo to transmit this language as the possible basis for a non-proliferation agreement.⁷⁵ Thus began the next phase of negotiations on the NPT, to be explored at the beginning of Chapter Two: selling it to the allies.

1.4 Non-proliferation and multilateral diplomacy

An important feature of the NPT narrative thus far has been that the treaty was conceived in explicitly multilateral terms.⁷⁶ The NPT was not intended to be the sole

⁷⁴ Rusk to Johnson, 'Suggested Language for the Non-Proliferation Treaty: Relationship to Existing and Possible Allied Nuclear Arrangements', LBJL, NSF, Files of Walt W Rostow – Non-Proliferation, Box 11, No.4. Handwritten note says 'approved.'

⁷⁵ See Rusk to Johnson, 'Non-Proliferation Treaty Text', Memorandum, LBJL, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.107; and State to Bonn, State 105479, 19 December 1966, and State to Tokyo, State 109450, 28 December 1966, LBJL, NSF, Subject File – Non- Proliferation Treaty, Box 26, Vol.1, Nos.47 and 56 respectively.

⁷⁶ On this point this thesis sharply differs from the main contention of Swango's examination of the roots of the NPT: that 'the point of an NPT was to selectively target nonproliferation at two key states: Germany and India.' (Swango, *The Nuclear Non-Proliferation Treaty*, p. 44, and elaborated in detail from pp. 23-27.). I take issue with this claim in three respects. Firstly, I do agree with the assessment of the superpowers' concerns about proliferation, and particularly not of those held by the United States. There is ample evidence to suggest that the proliferation problem was seen in terms of a broader group of 'near-nuclear' countries, including not only India and the FRG but Japan, Sweden and Israel; and, more importantly, that if any of these countries were to go nuclear it would create strong pressures for others to follow.

Secondly, it appears to me to conflate the NPT with non-proliferation as a whole. The NPT was intended to be only one part a broader non-proliferation strategy, which contained other supply-side and demand side tools, including security assurances, technology denial, and bilateral influence. The function of the NPT was to create a mechanism whereby states could publicly forswear nuclear weapons in a coordinated fashion, and to establish a legal mechanism to enforce that promise. It was thus a means of codifying a norm against proliferation, and of gaining legitimacy for the application of non-proliferation tools – and thus inherently needed to be multilateral.

answer to the proliferation problem – indeed, in the non-proliferation strategy of the United States, it was designed to play a relatively limited role. However, the shift in US policy and the superpower convergence on the NPT issue involved a decisive choice motivated by the uncertainty associated with proliferation unrestrained in the international system. The superpowers decided in favour of a multilateral diplomatic instrument and against a case-by-case approach using only bilateral influence. That being the case, the output of the multilateral process while the foundations of the NPT were being laid is fundamental in understanding the treaty bargain.

However, it is unwise to take that output – UN and ENDC resolutions, joint memoranda and so on – entirely at face value. During the period in question, it was broadly agreed that the primary responsibility for presenting an NPT draft lay with the superpowers; and the superpowers' interactions during this period were at first symbolic, while the MLF issue remained unresolved, and then kept very much private when the possibility of compromise began to emerge. As such, debates in the multilateral arena often amounted to purely tactical exchanges in which non-nuclear states (including many of the Western allies) sought means of applying rhetorical and political pressure, and the nuclear powers gave limited concessions aimed at averting undesirable alternatives. A central aspect of this tactical struggle was the nature of the role that disarmament and arms control commitments should play in a non-proliferation agreement.

The political story told above is therefore crucial to our understanding of multilateral diplomacy during this period. Similarly, tactical priorities in the multilateral

Thirdly, Swango's focus on US archival documents seems to obscure the fact that the NPT was by its origin also a multilateral instrument with a UN mandate. The key challenge in negotiating an NPT was to combine and reconcile the priorities of the superpowers with the interests of potential signatories (and not just the FRG and India). This was not a question of crude quid-pro-quo trade-offs, but rather one of constructing a treaty which would be politically acceptable to the majority of non-nuclear-weapon states. This shaped the thinking of the superpowers, and particularly the United States. The fact that they would not pay the 'price' of explicit conditionality between non-proliferation and disarmament did not prevent them from taking seriously the political role that disarmament commitments would play in the eventual text of an NPT, as will be shown in the following sections of this chapter, and in Chapter Two.

arena can be seen to have affected internal debates in the United States and exchanges between the superpowers. In particular, the need to achieve some kind of agreement on non-proliferation before the non-nuclear states' asking price for a treaty – especially in the disarmament field – rose too high seems to have been influential.⁷⁷ The next section of this chapter is thus devoted to explaining events in the multilateral arena in the period in question, with emphasis on tracing the manner in which political considerations shaped, and were shaped by, diplomatic outcomes.

1.4.1 Background: the 'Irish Resolution'

Although the concept of a Non-Proliferation Treaty had been floated in multilateral fora at various points since the unsuccessful Baruch Plan of 1946, it did not find a concrete foundation until UN General Assembly Resolution 1665(XVI), the so-called 'Irish Resolution' of 1961. Itself the child of a number of earlier attempts to find agreed language, the Irish Resolution (named after its sponsor, led by Foreign Minister Frank Aiken) provided the formal negotiating mandate from the UN General Assembly for a multilateral treaty on non-proliferation. The resolution focused on a simple concept of non-proliferation, with parallel obligations on nuclear-armed states to refrain from relinquishing control over nuclear weapons or transmitting the information necessary for their manufacture, and on non-nuclear states not to manufacture or otherwise to acquire control over nuclear weapons. Shaker notes its distinguishing features: unlike previous resolutions and nonproliferation plans, it did not call for interim voluntary measures or declarations, and it held the nuclear-armed states primarily responsible for the conclusion of the agreement. It was also phrased, with its focus on the control of nuclear weapons, in a way that allowed for NATO nuclear sharing, and thus for US

⁷⁷ As the following will show, I take issue with Swango's assertion that the superpowers' offer of a 'fixed price' for the NPT demonstrates that they were not interested in a multilateral instrument, but only a measure aimed specifically at India and West Germany.

support.⁷⁸

The resolution notably did not include a provision for arms control or disarmament by the nuclear powers, although Shaker asserts that 'the whole idea of the Irish resolution was based on the assumption that the nuclear weapon States themselves were going to disarm in the foreseeable future'. Amusingly enough, as Shaker relates, the United States had opposed an Irish resolution from the previous year, ostensibly on the grounds that it did not 'recognize the central responsibility of the nuclear Powers' to engage in nuclear disarmament.⁷⁹ In practice, however, the US had opposed the idea of placing restrictions on its ability to transfer technology to its allies⁸⁰ – an early tactical use of the disarmament issue to conceal ulterior motives in opposing non-proliferation. In any case, the Irish Resolution stood as a formal mandate for a treaty through the years in which non-proliferation negotiations were obstructed by the MLF.

1.4.2 1964: new approaches, missed opportunities

As noted above, with a new administration installed, the United States presented an extended and revised programme to the ENDC at its opening in January 1964, shortly following the announcement of a unilateral cutback in fissile material production. That unilateral announcement was combined with the sending of some private 'feelers' to the Soviet Union, resulting in a reciprocal Soviet commitment, announced on 20 April 1964.⁸¹ Whatever momentum this small rapprochement may have given to the ENDC negotiations, however, was cancelled out by the Johnson administration's shift towards a firm pursuit of the MLF, a decision also taken in early April 1964.⁸² The Soviet

⁷⁸ Shaker, *The Non-Proliferation Treaty*, Vol.1, p. 25.

⁷⁹ Shaker, *The Non-Proliferation Treaty*, Vol.1, p 21.

⁸⁰ Shaker, *The Non-Proliferation Treaty*, Vol.1, p 22.

⁸¹ Glenn Seaborg and Benjamin Loeb, *Stemming the Tide: Arms Control in the Johnson Years* (Lexington, Mass: Lexington, 1987), pp.38-45.

⁸² Seaborg, *Stemming the Tide*, p.99.

reaction was uncompromising: in June and July 1964 the USSR outlined a clear position that no non-proliferation treaty could be adopted until plans for an MLF had been dropped.⁸³

Nevertheless, developments elsewhere ensured that non-proliferation would stay firmly on the agenda. The summit of the Organisation of African Unity (OAU) in July 1964 issued a declaration in which the states of the OAU declared their ‘readiness to undertake in an International Treaty to be concluded under the auspices of the United Nations not to manufacture or acquire control of nuclear weapons’, and called for an international conference to begin negotiations.⁸⁴ Yet, with the Johnson administration’s MLF supporters in the ascendant, the resolution ultimately led to a series of tactical manoeuvres by the United States designed not to capitalise on international expressions of support for non-proliferation but rather to deflect attacks on NATO nuclear sharing.

ACDA’s non-proliferation position paper of August 1964 had argued that the OAU resolution should be used as a vehicle for the broader goal of developing ‘the widest possible political consensus favourable to a non-proliferation agreement, and thus mak[ing] more difficult prior to such an agreement any national decision to acquire a nuclear capability’.⁸⁵ To this end, ACDA recommended a combination of private consultations with selected OAU states, continued public statements of support for the OAU resolution’s objectives, and encouragement for other states to associate themselves with it.⁸⁶ However, as the 19th session of the UN General Assembly approached, the MLF’s defenders faced an uncomfortable predicament. An Indian request for an agenda item on non-proliferation included reference to the ‘receipt’ of nuclear weapons and referred to a previous resolution the US had opposed, and a resolution of the October 1964 Non-Aligned Movement conference had mentioned the

⁸³ Seaborg, *Stemming the Tide*, pp. 106-7.

⁸⁴ ‘Denuclearisation of Africa’, Organisation of African Unity Resolution 11(1), 1964, available at http://cns.miis.edu/treaty_pelindaba/SUPPLEMENTAL/oau_res11-1_1964.pdf

⁸⁵ ACDA, Draft US Position Paper: Non-Proliferation of Nuclear Weapons, 14 August 1964, p.8.

⁸⁶ ACDA, ‘Non-Proliferation of Nuclear Weapons’, pp.8-9.

‘deployment and disposition’ of nuclear weapons. The idea of substantive debate on non-proliferation was thus seen primarily as an opportunity for international criticism of the MLF. In addition to these problems, the OAU resolution had itself reaffirmed a UNGA resolution on an African denuclearised zone containing a prohibition on transit, which was unacceptable to the Joint Chiefs.⁸⁷

The task of preparing the United States’ position for the General Assembly session was passed to the Thompson Committee, and although it paid lip service to the United States policy in supporting a non-proliferation agreement, the meat of the Committee’s report consisted of defensive tactics. ‘The GA debate’, warned the report, would ‘provide a backdrop for strong Soviet attacks on the MLF’, and would encourage amendments designed to make the MLF and a non-proliferation agreement incompatible. The US must therefore plan ‘to sidetrack as effectively as possible such amendments. If we are to do this, we must be able, by means of a carefully tailored resolution which we can support, to turn to the advantage of the US (rather than the USSR) the strong sentiment that will exist in the Assembly for some kind of positive action in the field of non-proliferation.’⁸⁸ The result of this analysis was a plan to have ‘an appropriate UN Member, probably Ireland’ introduce an acceptable resolution, and to encourage another, preferably a non-aligned state, to refer all other initiatives to the ENDC – an approach which, as Glenn Seaborg noted in his memoirs, rather vindicated Alva Myrdal’s description of the superpowers ‘playing the game of disarmament’.⁸⁹

It is interesting to speculate what might have been possible had the non-proliferation debate not still been at this point the locus of superpower standoff over nuclear sharing – in particular, if in the United States the non-proliferation objective had already outranked plans for an MLF. Like the Irish Resolution before it, the 1964 OAU

⁸⁷ Thompson Committee, Memorandum: Non-Proliferation of Nuclear Weapons, LBJL, NSF, Subject File – Committee of Principals, Box 13, Vol.1, No.15a, p.3.

⁸⁸ Thompson Committee, ‘Non-Proliferation of Nuclear Weapons’, p.4.

⁸⁹ Seaborg, *Stemming the Tide*, p.135.

resolution, for example, was remarkably unencumbered with claims for compensation for the pledge of nuclear non-acquisition.

As it happened, the UN General Assembly session – happily for the MLF faction but not for advocates of multilateral nuclear diplomacy – ended without substantive output because of a stalemate over Article 19 of the UN Charter. However, in the absence of serious engagement on non-proliferation between the superpowers, non-nuclear states began to test the water regarding possible concessions in return for an NPT. In particular, the Swedish foreign minister proposed a ‘package deal’, combining ‘non-dissemination’ of nuclear weapons with a comprehensive test-ban treaty and a fissile material cut-off agreement.⁹⁰ Similar arguments were repeated at a session of the UN Disarmament Commission convened early the next year, including an Indian package which included concrete disarmament steps and both positive and negative security guarantees.⁹¹

1.4.3 1965: the West squabbles, the non-aligned rally

1965 began under the shadow of China’s nuclear development; yet, as a New York Times editorial complained, President Johnson’s disarmament message to the new session of Congress was missing a ‘frank recognition that the disarmament situation is now worse rather than better than it was a year ago or four years ago when the ACDA was established’.⁹² Just as internal developments were beginning to push the US bureaucracy towards a serious non-proliferation effort, however, so external pressure was beginning to build. By the spring of 1965, the British and Canadians were threatening to force the United States’ hand on the MLF by introducing their own non-proliferation drafts into the NPT. This posed a serious problem. As Foster pointed out in

⁹⁰ UNGA A/PV.1319, p.27

⁹¹ UNGA DC/PV. 75, p. 16, quoted in Elizabeth Young, *A Farewell to Arms Control?* (London: Penguin, 1972), p.88.

⁹² *New York Times*, ‘The Urgency of Disarmament’, January 1965.

a memo to McGeorge Bundy in July, the British plan would split the North Atlantic Council: ‘In the ENDC the Soviets would have a made-to-order situation to exploit, especially since we would have difficulty publicly explaining our non-support of the UK draft (HMG may be counting on just that).’⁹³

Having barely convinced the Western allies in the ENDC to refrain from introducing their own texts, the United States eventually presented its own draft treaty based on the elements of the British and Canadian drafts it found acceptable. The allies stated their own reservations, principally concerned with nuclear sharing and the ‘European option’.⁹⁴ As Shaker notes, rather than this being a mark of progress, the problem of the US-Soviet dispute over NATO nuclear sharing ‘was even aggravated for the first time by an explicit text which did not preclude a multilateral nuclear force with the capacity of using nuclear weapons some time in the future by a majority decision of its members’.⁹⁵ When the UN General Assembly opened in the autumn, the Soviet Union introduced its own draft with language strictly prohibiting nuclear sharing of any kind.⁹⁶ The Western allies’ inability even to agree amongst themselves was further highlighted by an opportunistic proposal by Amintore Fanfani, the former (and future) Italian Prime Minister, serving at that point as Foreign Minister. Fanfani proposed a non-acquisition declaration to be signed collectively by non-nuclear-weapon states, should the ENDC fail to prepare a draft NPT. The declaration would have committed signatory states to a fixed moratorium on nuclear acquisition, in return for progress by the nuclear-weapon states in fulfilling certain demands, most notably progress on nuclear disarmament.⁹⁷

Meanwhile, in the absence of serious negotiations on a non-proliferation agreement, the non-aligned bloc in the ENDC had had little to do but to set out their

⁹³ Foster to Bundy, Memorandum: UK Draft Non-Proliferation Treaty, 21 July 1965.

⁹⁴ Shaker, *The Non-Proliferation Treaty*, Vol. 1, pp 96-97.

⁹⁵ Shaker, *The Non-Proliferation Treaty*, Vol. 1, p. 97.

⁹⁶ UNGA A/5976.

⁹⁷ ENDC/157, 14 September 1965.

stall in anticipation of the day that negotiations would begin. The superpowers' respective draft treaties were criticised strongly for their lack of compensation for the non-nuclears' potential sacrifice in forswearing nuclear weapons, and the idea of a package deal was again proposed by the Swedish and Indian delegations.⁹⁸

The package concept was floated in a non-aligned memorandum to the ENDC on 15 September 1965, and its momentum carried into the 20th UN General Assembly, where, with non-proliferation high on the international agenda and the superpowers still far from beginning negotiations, the non-aligned states therefore sought to take the initiative themselves. As Shaker explains, after the UAR statement to UNGA First Committee on 22 October 1965 exploring key non-proliferation concepts, the non-aligned eight asked the UAR (led at the United Nations by future Egyptian foreign minister Ismail Fahmy) to draft a resolution laying out fundamental principles for a non-proliferation treaty. The UAR produced five principles, which were eventually adopted by the UNGA as Resolution 2028(XX) by a vote of 93 in favour, none against, and five abstentions. They included a call for the treaty to be void of 'loopholes' (principle A); for provisions to ensure the treaty's effectiveness (D), and for a protection of the right to conclude regional nuclear-free-zone treaties (E). In addition, the five principles included two directly relevant to our topic of inquiry:

- (B) The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers
- (C) The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament.

Principle C was uncontroversial, and frequently quoted by all parties to the NPT negotiations. Principle B, on the other hand, was both a symptom and cause of controversy. Simply put, it was a warning that a non-acquisition pledge by the non-nuclear states would come at a price.

⁹⁸ See Young, *Farewell to Arms Control?*, pp. 88-92.

The question of what might embody ‘an acceptable balance’ of responsibilities, however, was at the core of much of the debate to come in the ENDC: would the price to be paid by the nuclear states include specific disarmament steps, for example? As Shaker notes, ‘though the principle reflected the wishes of the non-nuclear States...those States were divided on its interpretation’.⁹⁹ The non-aligned eight’s joint memorandum, in insisting that a non-proliferation agreement must be ‘coupled with or followed by tangible steps’ in disarmament [emphasis added], had demonstrated a split between those states, like India and (at that point) Sweden, who demanded a package including disarmament, and those who did not.¹⁰⁰ Shaker rather obliquely describes the latter group as ‘those who - while hoping that this [a package deal] could be realized – had felt...that an alternative should not be disregarded.’¹⁰¹ Ford puts it rather more bluntly: some states had ‘pushed for a tight linkage between non-proliferation and disarmament, including reductions of existing nuclear weapons stocks, but this effort failed’.¹⁰²

This, then, was the peculiarity of the relationship between disarmament and non-proliferation. Whilst the logical corollary to a non-acquisition commitment by non-nuclear-weapon states would, in theory, have been an equally binding disarmament commitment by nuclear-weapon states, in practice a significant number of non-nuclear-weapon states were willing to pursue non-proliferation in its own right, so long as the general significance of the disarmament goal was upheld. As Joachim Krause notes, ‘the case of the Non-Aligned states had been weakened by disagreement among themselves’¹⁰³ – and despite efforts to build a common negotiating position, this disagreement would be skilfully exploited to split the opposition to the treaty in the years to come.

⁹⁹ Shaker, *The Non-Proliferation Treaty*, Vol.1, p.55.

¹⁰⁰ Shaker, *The Non-Proliferation Treaty*, Vol.1, p. 55.

¹⁰¹ Shaker, *The Non-Proliferation Treaty*, Vol.1, p. 55.

¹⁰² Ford, ‘Debating Disarmament’, p.406.

¹⁰³ Krause, ‘Enlightenment and Nuclear Order’, p 487.

1.4.4 1966: rebellion narrowly averted

As explored above, 1966 was the year in which the superpowers moved, gradually, to a clear vision of their common interest in negotiating a non-proliferation agreement promptly. This developing unity of purpose was slow to find expression in the multilateral arena, as Western squabbling and Soviet posturing continued, leaving room for the non-nuclear and non-aligned states to grab for the diplomatic initiative. Nevertheless, by year's end, the superpowers were almost in alignment on the key issues, and attempts to significantly disrupt their control over the negotiating process had been rebuffed.

In his message to the opening of the ENDC on the first of February, Kosygin proposed the inclusion in a non-proliferation agreement of 'a clause on the prohibition of the use of nuclear weapons against non-nuclear States parties to the treaty which have no nuclear weapons in their territory'.¹⁰⁴ On its face a response to the non-nuclear and non-aligned states' demands for a negative security assurance, the 'Kosygin proposal' was in truth the last serious Soviet attempt to use the non-proliferation debate as a tool to attack NATO nuclear sharing. As Bunn and Timerbaev note, the assurance would have left the Soviet Union free to threaten nuclear use against the FRG even if it signed an NPT, unless US nuclear weapons were removed from its territory.¹⁰⁵ In fact, its implications were troubling in a broader sense for the United States: given that the states hosting US nuclear weapons were not publicly named, it would essentially confer treaty-based legitimacy on the targeting of all US allies for nuclear attack, or else force the disclosure of the identities of the host states. Furthermore, as Larson notes, the USSR was attempting 'to kill two birds with one stone: to discourage deployment of nuclear weapons in foreign countries, and to elicit from nuclear powers pledges of non-

¹⁰⁴ ENDC/1967, 3 February 1966.

¹⁰⁵ George Bunn and Roland M. Timerbaev, 'Security Assurances to Non-Nuclear-Weapon States', *The Nonproliferation Review* (Fall 1993), p.12.

use', the latter being incompatible with NATO's stated posture.¹⁰⁶

The Kosygin proposal created acute practical and political difficulties. The State Department saw it as a potential 'fillip to efforts to "ban the bomb"' and a barrier to a nuclear response to a non-nuclear state even if it was 'engaged in aggression in collusion with a nuclear power' (North Korea and China being the relevant examples).¹⁰⁷ It was even more troublesome vis-a-vis Japan. The State Department cabled its ambassador in Tokyo with instructions to open immediate high-level and confidential discussions on the Kosygin proposal, noting that the Japanese public, led to believe that Japanese territory was inviolably non-nuclear, would be likely to lend it strong support. In truth, however, adoption of the proposal would 'have seriously adverse effects on US security position in Japan and elsewhere': it might prevent the government from continuing to accept ambiguity over the presence of US nuclear weapons on vessels in Japanese ports and on transiting aircraft; it might hinder consent for the introduction of US nuclear weapons in wartime; and it might even force a withdrawal of US nuclear weapons from Okinawa.¹⁰⁸

In one respect the United States' response was predictable: attempts were made to cool off support for the proposal among US allies, by pointing out its political impact and substantive flaws; and for the benefit of non-allies the US would promote (with low expectations of success) its alternative approach of promoting a UN resolution on the topic. The other part of the United States response was unusual, however, and a sign of the negotiating dynamic that would dominate the next three years of non-proliferation debate. Foster convinced the Committee of Principals that the Soviets should be persuaded to drop the assurances issue until more pressing matters (particularly non-

¹⁰⁶ Thomas B. Larson, *Disarmament and Soviet Policy, 1964-1968* (New Jersey: Prentice-Hall, 1969), p.153.

¹⁰⁷ State to Paris and Geneva, Cable, State 08328, 15 February 1966, LBJL, NSF, Subject File – Disarmament – 18-Nation Disarmament Conference (ENDC), Box 13, Vol.2, No.24, p.2.

¹⁰⁸ State to Tokyo, Cable, State 13096, 24 February 1966, LBJL, NSF, Country File – Asia and the Pacific – Japan, Box 251, Vol.4, No.95, pp. 1-2.

transfer and safeguards) had been settled. ‘We would explain to the Soviets,’ he suggested, ‘that this was in our mutual interest in order to prohibit the non-aligned from raising their demands at an early stage of the negotiations.’¹⁰⁹ The Geneva delegation was instructed to tell Semyon Tsarapkin, Soviet representative to the United Nations, that ‘premature agitation [of] this question might only encourage non-nuclear powers [to] seek [a] more extravagant price for their adherence to treaty and to play one nuclear power off against another’.¹¹⁰

Over the summer of 1966, before the United States’ shift away from the MLF and towards an NPT was complete, this line of argument met with little response from the Soviets – however, towards the end of the year, once agreement on the no-transfer formula was within reach, that position had changed. In meetings with ACDA in October, a counsellor at the Soviet Embassy said that the USSR would not insist on inclusion of the Kosygin formula in a non-proliferation agreement, and that it had been ‘offered largely as a sop for [the] non-nuclears’.¹¹¹ By February 1967, the US and USSR had agreed that the Kosygin proposal would be dropped, and were already attempting to work out a method of assuaging the inevitable backlash from the non-aligned once a joint treaty draft was introduced.¹¹²

Meanwhile, the United States was fighting off initiatives in two directions aimed (ostensibly, at least) at wresting control over the negotiating process away from the superpowers and into the hands of the non-nuclears. The first of these came from within the Western camp: Fanfani had revived his proposal of the previous year wherein the non-nuclears would declare a moratorium on pursuing nuclear weapons pending the

¹⁰⁹ Committee of Principals, ‘Summary of Action: Meeting of the Committee of Principals, Monday February 28 1966’, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol.3, No.15, pp.5-6.

¹¹⁰ State to Geneva, Cable: Kosygin Proposal and Security Assurances, State 03849, LBJL, NSF, Subject File – Disarmament – 18-Nation Disarmament Conference (ENDC), Box 13, Vol.2, No.39, pp.4-5.

¹¹¹ State to USUN, Cable, State 74491, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 30, Vol.4, No.56.

¹¹² See Geneva to State, Cable: Non-Proliferation Treaty, Geneva 2443, 22 February 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.7.

nuclear powers' disarmament, and was threatening to present it again to the ENDC. This would have put the United States in the position of being forced to respond one way or the other – a choice between publicly opposing an ally, or embracing a proposal that would be interpreted as the US having 'thrown in the sponge' as far as the NPT itself was concerned.¹¹³ In private talks the Italian delegation were convinced to shelve the proposal, but they warned that Fanfani was not willing to let the ENDC dissolve without having achieved anything of substance.¹¹⁴

The second, and more troublesome, challenge to the superpowers' hold on the negotiations came from the non-aligned eight, led in this instance by India. Thanks to friendly briefings from the Nigerian representative to the ENDC, O. Adesola, the US delegation in Geneva got wind in July of a 'third draft' of the NPT (in addition to the tabled US and USSR versions) having been circulated to the capitals of the non-aligned eight by India.¹¹⁵ An accompanying memorandum from the Indian government laid out a detailed comparison of the US and USSR drafts, and argued that the differences between the two were irreconcilable, and this being the case the non-aligned eight should submit their own text.¹¹⁶ The Indian draft treaty included a cut-off of fissile material production for weapons purposes, and a legal obligation for the nuclear-weapon states to reduce their existing arsenals.¹¹⁷ In other words, sensing an opportunity while the superpowers remained at an impasse, India had pounced, attempting to codify its position on disarmament in a draft treaty of its own.

The emergence of a third draft was serious enough to prompt Henry Owen, director of the State Department's policy planning council, to tell Walt Rostow that

¹¹³ State to Geneva and Rome, Cable, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.31.

¹¹⁴ Ibid.

¹¹⁵ Geneva to State, Cable: ENDC Liaison Report No. 347, 16 July 1966, LBJL, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.39.

¹¹⁶ Geneva to State, Cable: Third Draft NPT, Geneva 346, 20 July 1966, LBJL, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.40a.

¹¹⁷ Geneva to State, 16 July 1966.

‘[w]e really ought to get over the notion that the non-nuclear countries will simply hop to it if we and the USSR agree on a ‘simple’ non-proliferation treaty’,¹¹⁸ quoting a recent *Economist* article that warned that ‘[b]ehind the clamor about the MLF and all that, the bleak emerging reality is the near-nuclear states’ coolness toward a treaty that would simply shut them out of the club’.¹¹⁹ However, it appeared that India had overplayed its hand. A contact on the Mexican delegation (whose name is withheld, but may have been Garcia Robles), although taken aback to learn that the US knew of the existence of a third draft, said that disagreement among the eight would likely give the draft a ‘decent burial’.¹²⁰ The US embassies in Egypt, Mexico, Brazil and Sweden were instructed to make an early approach to their foreign ministries, conveying the message that a third draft would be poorly timed, endangering efforts to find consensus with the Soviets.¹²¹ Adesola agreed that the draft was unlikely to find consensus, and that at present only India and the UAR were insisting on the need for a separate text, with the rest to varying degrees willing to continue to comment on the superpower drafts. It was highly unlikely, he said, that the third draft would survive debates among the eight – instead, a memorandum without an accompanying treaty text would probably be submitted to the ENDC.¹²² That memorandum was eventually produced at the end of the ENDC session.¹²³ With this backstory in mind, it stands testament to the fact that while there might have been consensus among the non-aligned states that an NPT ought to come with compensation, there was not sufficient consensus to coalesce around a strong negotiating position.

¹¹⁸ Henry Owen to Walt Rostow, Memorandum, 19 July 1966, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation Treaty, Box 8, Vol.2, No.4.

¹¹⁹ Owen to Rostow, 19 July 1966.

¹²⁰ Geneva to State, Cable: Third Draft NPT, 19 July 1966, LBJL, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.40.

¹²¹ State to Embassies in Non-Aligned Eight, Cable, State 12579, 21 July 1966, LBJL, NSF, National Security Council History – Non-Proliferation Treaty, Box 56, Vol.2, No.41.

¹²² Geneva to State, 20 July 1966.

¹²³ ENDC/178, 19 August 1966.

With these mutinies quashed, the UN General Assembly session of the winter of 1966 saw general consensus on both the process and substance of the beginnings of NPT negotiations. A group of non-aligned states submitted a draft that later became UNGA Resolution 2153(XXI), a largely unremarkable reaffirmation of the five principles of Resolution 2028(XX). The only area of controversy was the non-aligned draft's reference to a version of the Kosygin proposal on security assurances, which was watered down in the final resolution to an invitation for the ENDC to take up the matter of a non-use commitment by the nuclear-weapon states. Interestingly, the US delegation to the UN was instructed to resist arguments which cited principle (b) of Resolution 2028(XX) (on the 'balance of obligations') as a rationale for the inclusion of disarmament steps in the text of an NPT by quoting the non-aligned joint memorandum to the ENDC. That is, the non-aligned memorandum's provision that an NPT should be 'coupled with or followed by' disarmament steps was to be used as a device to peel off those states who believed a non-proliferation treaty could be satisfactory without the inclusion of concrete disarmament measures.¹²⁴

In any case, Resolution 2153(XXI) passed with little controversy, as well as a resolution calling on all states to refrain from actions that might impair negotiations on a non-proliferation treaty. In part the product of a Soviet desire to place their objections to West German armament on the record,¹²⁵ the latter resolution signified in a broader sense an acceptance that, with the superpowers ready to cooperate, the NPT negotiations had entered a new phase.

¹²⁴ State to USUN, Cable, State 70438, 21 October 1966, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 30, Vol.3, No.25.

¹²⁵ Young, *Farewell to Arms Control?*, p. 97.

1.5 Prestige, security and politics

Having considered the manner in which the United States defined the proliferation problem and came to address it, and the manner in which nuclear and non-nuclear, Western and non-aligned states protected their interests in the multilateral arena, let us lastly assess what influence the non-nuclear states' demand for compensation had on the United States' private thinking on the NPT. Because of the difficulties posed by nuclear sharing, US non-proliferation thought from 1964-6 was focused on moving towards the beginnings of consensus with the Soviet Union – and the mere fact of establishing the basis for agreement on this issue was a significant event in itself. Moreover, as explored in the preceding section, interactions in the multilateral diplomatic arena often had more to do with tactical considerations than with the substance of non-proliferation policy itself. Nevertheless, one can find evidence that US policymakers were attempting to understand the predicament of the non-nuclear – and particularly the near-nuclear – states.

In particular, there was a recognition that a commitment to non-nuclear status could potentially represent a severe blow in terms of national prestige. References to this potential were often mixed, in rather vague terms, with allusions to national politics and to broader matters of non-nuclear states' security. This resulted in an understanding that the near-nuclears would require compensation for the 'sacrifice' of forgoing nuclear weapons, without having a clear understanding of what form (other than some kind of security assurance) that compensation might take.

Some of this preoccupation with prestige was inherited from the debate over the MLF, whose supporters had argued vigorously against dealing West Germany the political blow of enforced nuclear abstinence. George Ball was an enthusiastic exponent of this thesis, telling the Gilpatric Committee that the United States 'cannot make the

Germans into second-class citizens',¹²⁶ and even as late as January 1966 telling Dobrynin that to deny the FRG participation in a collective nuclear arrangement whilst also prohibiting it from developing an independent force would be to 'maintain a situation where the powerful nations already possessing nuclear weapons do not share their nuclear power with others and keep non-nuclear countries in a state of permanent inferiority'.¹²⁷

This concern extended beyond the German case, however. Raymond Garthoff's paper for the Thompson Committee in December 1964, for example, called for a 'substitute for the prestige conferred by nuclear weapons', arguing that '[g]overnments that choose to abstain from producing nuclear weapons in the future will wish to make clear that their abstention is not for want of means'.¹²⁸ Missives from India emphasised the political, rather than strictly security-related, pressure for a national nuclear programme that the Chinese nuclear test had created.¹²⁹ Charles Johnson, a State Department official, wrote to Walt Rostow in reaction to a July 1966 redraft of the non-proliferation treaty with the prescient objection that it 'would create a new category of states – "nuclear-weapon states" and "non-nuclear-weapon states" ', calling it a 'psychological flaw [which] would exacerbate the resentment that is growing among the have-nots'.¹³⁰

What emerged from this mixture of prestige, political and security issues was two rather contradictory approaches to non-proliferation. On the one hand, for instance, the Gilpatric Committee warned against the United States 'giving an exaggerated

¹²⁶ Memorandum of Conversation: 'Secretary's Meeting with the Gilpatric Committee on Non-Proliferation', 7 January 1965, FRUS, Vol.XI, No.59.

¹²⁷ Draft Memorandum of Conversation: 'Message from Soviet Prime Minister Kosygin to President Johnson on Non-Proliferation', 11 January 1966, FRUS, Vol.XI, No.107.

¹²⁸ Raymond Garthoff for the Thompson Committee, 'Background Paper on National Attitudes towards Adherence to a Comprehensive Test Ban Treaty and to a Non-Proliferation Agreement', 12 December 1964, LBJL, NSF, Files of Spurgeon Keeny – Non-Proliferation, Box 8, Vol.3, No.2.

¹²⁹ See e.g. Jerome Wiesner to Bundy et al., Cable, 16 January 1965, LBJL, NSF, Country File – India – Exchanges with Bowles, Box 134, No.84.

¹³⁰ Charles E Johnson to Walt Rostow, Memorandum, 15 July 1966, LBJL, NSF, Files of Spurgeon Keeny – Non- Proliferation Treaty, Box 8, Vol.2, No.7.

impression of [the] importance and utility of nuclear weapons'.¹³¹ Interdepartmental guidance issued at the time of the crucial US-Soviet meetings in late 1966 similarly warned against 'speaking in terms of "five nuclear powers"', and instructed officials to oppose any proposals that implied 'that the five countries which have tested nuclear weapons have in common either some special interests or some quality of power, prestige, or capability not shared by others'.¹³²

On the other hand, the posture adopted towards US allies, and towards selected near-nuclears, India in particular, seemed if anything to dramatise the importance of nuclear weapons to national security, and thus by extension, their role as a symbol of national prestige. US policymakers lent rhetorical weight to the issue of security guarantees for all non-nuclear-weapon states, and lent substantive weight to concrete nuclear guarantees to US allies.

It was in this rather muddled context that proposals to balance the non-nuclears' sacrifice with a commitment to disarmament by the nuclear powers were examined. Such proposals – the subject of prolonged lobbying by the non-nuclear powers in the ENDC and the UN General Assembly – were mentioned in passing in the United States on occasion in official documents during this period, but were not subject to detailed debate. Certainly, there was an assumption that restraint by the superpowers would help the cause of a non-proliferation treaty. Indeed, Johnson used such an argument in a message to Chairman Kosygin in January 1966 urging further progress on arms control measures, suggesting that 'if the treaty we seek is to receive the widest adherence, we must take account of the view expressed by a number of non-nuclear countries [that] their renunciation of nuclear weapons would be facilitated by evidence that the nuclear powers are themselves prepared to halt the nuclear arms race'.¹³³

¹³¹ Report by the Committee on Nuclear Proliferation, 21 January 1965.

¹³² State circular, 'Joint State/USIA/ACDA/DOD Message', Cable, State 23838, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 30, Vol.4, No.53.

¹³³ Quoted in Annex to Memorandum of Conversation: Non-Proliferation, Vietnam, 24 January 1966,

The idea that a non-acquisition pledge implied some kind of disarmament, or at least restraint, on the part of the nuclear-weapon states was fairly commonplace: William Foster made such an argument, for example, in proposing a shift in the US position on a strategic nuclear delivery freeze in 1965.¹³⁴ However, as will be further examined in the next chapter, at no point was the idea seriously entertained that the non-proliferation commitment would be formally made conditional on disarmament in the text of the treaty itself, nor that a non-proliferation treaty would contain specific disarmament steps. To the extent that disarmament or arms control were discussed in the context of non-proliferation at this early stage, their significance was often referred to in political terms. Walt Rostow argued, for example, that ‘a non-proliferation agreement is a limited and partial approach to the non-proliferation problem. It would simply dramatize and heighten the security-political-prestige requirements of the non-nuclear powers. It would not solve them.’ With this in mind, he proposed a number of further measures including an anti-ballistic-missile freeze and a renewed effort for a comprehensive nuclear test-ban treaty.¹³⁵

The only official document in which an explicit link between disarmament and non-proliferation appears to have been floated within the US bureaucracy was written by Henry Owen, the State Department’s director of policy planning, as part of an effort to generate new approaches to the non-proliferation question. Owen proposed a treaty that would expire after a set period of time unless agreement had been reached ‘on measures to halt and reverse the growth of existing nuclear capabilities’, making ‘the non-proliferation treaty’s continuation dependent on progress toward wider

LBJL, NSF, Country File – USSR – Dobrynin/Thompson Conversations, Box 227, Vol.1 (Nov 63-Feb 66), No. 8a.

¹³⁴ William Foster for the Committee of Principals, Memorandum: US Position on a Program to Inhibit, and Hopefully Stop, Nuclear Proliferation, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol. 2, No.37b.

¹³⁵ Walt Rostow to Dean Rusk, Memorandum, 3 September 1966, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 30, Vol.2, No.13e.

disarmament'.¹³⁶ No written responses to this proposal are to be found, and it is unclear whether the memorandum made it beyond Walt Rostow, who was asked by Spurgeon Keeny to decide whether it was worth forwarding to the president. Now, as is shown in the next chapter, a non-binding version of Owen's logic is to be found in the role of the provision for periodic review conferences. However, it is notable that even in Owen's proposal, the significance of such an emphasis on disarmament was couched in political terms, with reference to prestige: Owen believed that adherence to a non-proliferation treaty 'will depend on whether these countries [the near-nuclears] believe that they will gain in security and prestige by giving up possible nuclear status'. In the case of West Germany, he judged that if an NPT was seen to be 'not meant simply as an instrument of discrimination against the Federal Republic, but as a step toward real armaments limitation and general disarmament', the FRG would be bound to support it.¹³⁷

Progress on arms control and disarmament in the context of a non-proliferation treaty, then, was seen at this early stage as being significant because of the political message it embodied, at least as much as for the concrete steps it would involve. When it came to that political message, moreover, the US position was still subject to the dichotomy explored above: namely, that while a political commitment to disarmament by the nuclear powers might make up in part for a perceived loss of prestige in forswearing nuclear weapons, practical steps of disarmament by the United States would hardly serve to bolster confidence in the security guarantees that were deemed so vital in persuading its allies.

¹³⁶ Henry Owen for LBJ, draft sent to Walt Rostow for approval, 'A New Approach to Non-Proliferation', Memorandum, 27 September 1966, LBJL, NSF, Files of Spurgeon Keeny – Non Proliferation, Box 8, Vol.3, No.14a.

¹³⁷ Owen for LBJ, 'A New Approach', 27 September 1966.

1.6 Conclusion

This chapter has explored the crucial period in which the foundations of non-proliferation policy were laid in the United States and the pursuit of a non-proliferation treaty became a central priority shared by the superpowers; and it has laid out the broader diplomatic context in which this policy change took place. In so doing, it has identified a number of factors which, as future chapters will explore, came to shape the nature and scope of the NPT, and set the parameters for the ‘bargain’ in which arms control and disarmament would come to play a role.

Firstly, despite the pursuit of a non-proliferation treaty having been US policy for a number of years, the Johnson administration’s conversion to non-proliferation was slow and only partial. As was shown by the exceptionally grudging shift away from the idea of a NATO multilateral nuclear force and the rejection of binding security assurances, there remained considerable resistance to any proposal that would either limit the United States’ flexibility, or that ran counter to the political sensitivities of US allies. In fact, as the next chapter suggests, the latter consideration – the needs of allies – would henceforth come to be the primary factor in driving the US negotiating position on the NPT.

Secondly, once an NPT appeared to be a feasible prospect, the United States and the Soviet Union pursued a tactical approach to multilateral diplomacy designed to limit potential concessions to the non-nuclear-weapon states, and particularly the non-aligned. The perception that the ‘asking price’ for a treaty was growing was an important factor in moving the superpowers’ positions closer together in mid-1966, and thereafter the superpowers acted together and individually to head off any initiative that might require substantial concessions in order to achieve an NPT.

Thirdly, on a related note, despite applying pressure in the multilateral arena for a non-proliferation treaty to provide trade-offs for non-acquisition, the non-nuclear

states were unable to act as a coherent bloc in establishing conditions for an NPT. As shown in the examination of UNGA Resolution 2028(XX) and the non-aligned joint memorandum to the ENDC in 1966, the non-nuclears' leverage was reduced by a split over whether a non-proliferation treaty had to be a 'package deal' including substantive measures of disarmament. This split was successfully exploited by the United States in particular to keep the treaty negotiations under the superpowers' control, and to ensure that more ambitious plans did not come to fruition.

Lastly, despite the United States' manoeuvrings to minimise concessions in the field of disarmament, there was nevertheless a clear understanding that progress on arms control and disarmament by the United States and the Soviet Union could affect non-nuclear-weapon states' willingness to sign a non-proliferation treaty. However, the conceptual framework governing this understanding was one based primarily on the 'prestige' associated with a national nuclear weapons programme and the need to compensate in political terms for the loss of this prestige. The role of arms control and disarmament in debates about the non-proliferation treaty, in other words, was viewed by the United States primarily in terms of politics, rather than the importance of specific measures. Indeed, the United States' emphasis on guaranteeing with nuclear weapons the security of its allies, and potentially also non-allies, by bilateral or multilateral guarantees, ran counter to the idea of taking active steps towards disarmament. The idea that arms control and disarmament might be formally embedded as a functional part of the treaty itself was not given serious consideration. From an early stage, indeed, the superpowers agreed on the position that inclusion of specific disarmament measures in the treaty text would make conclusion of an NPT an impossible task – and differences in opinion among the non-nuclear states meant that this was a position they were able to defend.

2. Chapter Two: ‘An imperfect obligation’: reaching the text of the NPT, 1967-8

2.1 Introduction

The US-Soviet deal on nuclear sharing struck in late 1966 marked the end of the first phase of the NPT's development. The following eighteen months – up to the ENDC's recommendation of a treaty text to the UN General Assembly in March 1968 – saw participation in the negotiations widen, but only gradually and partially. The superpowers first ensured that a deal could be struck to the satisfaction of their allies, then tabled identical draft treaties at the ENDC. Thereafter, from August 1967, the formal locus of substantive negotiations was for the first time in the multilateral disarmament machinery, thereby including the non-aligned states. However, private discussions and negotiations among the Western allies, and between the superpowers and key non-nuclear states, continued in parallel. More importantly, the scope of what was on offer in the ENDC had to a great extent already been determined before the formal negotiations began. This chapter explains how these multiple dialogues and processes gave the NPT its eventual shape – and, specifically, how the political foundations of the treaty were translated into a limited bargain between non-proliferation and disarmament.

The definitive account of the negotiations conducted in the ENDC, of course, is to be found in Mohamed Shaker's *The Nuclear Non-Proliferation Treaty: Origin and Implementation*.¹ Shaker's treatment of the ENDC debates is accurate, rigorous, and thorough. However, the ENDC negotiations took place in a broader political context which favoured certain outcomes and proscribed others, and in which the true scope of possible outcomes was rather narrower than the formal negotiating record might

¹ For the sections of direct relevance to the subject matter of this thesis, see Shaker, *The Non-Proliferation Treaty*, Vol. 2, pp.566-572 (on the varying approaches to the role of disarmament in the treaty), pp. 573-8 (on the measures proposed in connection with Article VI), and pp. 857-899 (on the treaty's duration, review process, and provisions for amendment and withdrawal).

suggest. Moreover, as many non-nuclear states complained at the time, and as Shaker himself observes, the superpowers' approach to the negotiating process was often highly exclusionary, in the sense that the groundwork for certain provisions had been laid elsewhere. Non-ENDC states, particularly those allied to the United States, played an important role; and positions taken in plenary sessions of the ENDC often reflected compromises achieved in private. In addition, if the aim of this thesis is to move beyond a narrow debate over the meaning of compliance with Article VI, it is necessary to look for indicators of the political intent that lay behind the treaty text as it eventually emerged from the ENDC. Understanding that intent allows for the various elements of the treaty 'bargain' to be related to one another, and for their symbolic significance to be appreciated. Crucially, it also allows us to begin to get a sense of the NPT's intended position in the broader 'nuclear order', such as it was, and the role of commitments to arms control and disarmament in establishing a non-proliferation norm.

With these considerations in mind, this chapter uses the record of the United States' interactions with its most worried allies to demonstrate the important political role that questions of disarmament, and associated issues, played in the evolution of the NPT. It then uses that outline to inform a reassessment of the ENDC negotiating record, adding, where appropriate, references to the simultaneous manoeuvrings that the nuclear powers were undertaking in private. In so doing, it does not seek to elevate either source of information above the other, but rather seeks to find the new ground which can be seen from the two in combination.²

The conclusion drawn here is subtle but distinctive. On the one hand, it can be demonstrated beyond any doubt that the disarmament obligation contained in the text of the NPT is very limited. The 'bargain' struck in Article VI did not make implementation

² In so doing, it consciously diverges by the approach taken by Swango, who focuses almost exclusively on the superpowers' 'private' intentions for the treaty, excluding the ENDC record on the basis that 'public statements do not tell the real story of the development of the NPT', despite its legal basis as the UN-mandated negotiating record for the treaty in question. See Swango, *The Nuclear Non-Proliferation Treaty*, p. 5, footnote 20.

of non-proliferation obligations conditional on substantive progress on nuclear disarmament. Nevertheless, the chapter also demonstrates that the pressure for a political trade-off between disarmament and non-proliferation came from almost all non-nuclear-weapon states, especially key allies of the United States who played a key role behind the scenes in producing the treaty text. The use of the disarmament issue as a tool to influence the treaty negotiations by the Federal Republic of Germany, Japan and Italy, in particular, had a strong influence on the final text, not only in Article VI but also in the provision for review conferences and the limited initial duration of the treaty. For a variety of reasons, this account of the role of Western allies in shaping the treaty is an important contribution to our understanding of the disarmament debate.

Before outlining the structure of the chapter ahead, it is necessary to say a brief word about its scope. This thesis is focused on the relationship between two aspects of the NPT bargain: non-proliferation and disarmament. That being the case, this chapter's account of the treaty's negotiation does not include detailed study of the debate over safeguards or the peaceful uses of nuclear energy. Both were highly significant topics: the former was a key issue of technical and organisational dispute which could have prevented any agreement on a treaty; as for the latter, the meaning of Article IV is hotly contested to this day, and it played a crucial role in widening support for the treaty. However, besides a brief explanation of the role of safeguards and peaceful uses in the mechanics of the negotiations, and their significance in political perceptions of the treaty, this chapter confines itself to the debate on the parts of the NPT's compensatory package directly associated with arms control and disarmament.

As such, the chapter begins by tracing the path from the US-Soviet agreement in principle on Articles I and II of the treaty in late 1966 to the introduction of identical draft treaties (with Article III on safeguards left blank) in August 1967. It then proceeds to explain the dynamics of the diplomatic balancing act maintained by the superpowers

– particularly the United States – both within and outside the ENDC, as they sought to preserve the core compromise over Articles I and II while producing a treaty that was acceptable both to their allies and to the non-aligned states. The chapter reconsiders the formal negotiating record in this political context, explaining how the final text that emerged from the ENDC, and particularly its language on disarmament, was produced.

2.2 Tracing the path: consultations December 1966-August 1967

2.2.1 Overview

After the core compromise over Articles I and II had been achieved, the next step for the superpowers was to begin consultations with key potential non-nuclear signatories, in order to determine whether a treaty along these lines could realistically be presented to the ENDC to begin formal negotiations. It is striking that, at least for the United States, these key states were not necessarily those most likely to go nuclear in the short-to-medium term. Rather, they amounted to three allies (in descending order of importance, West Germany, Japan, and Italy) and one non-aligned state, India. These were the states from whom vociferous objections to the NPT would, it was judged, threaten the viability of the treaty and threaten US foreign policy objectives as a whole. These, consequently, were the states given early access to the ongoing draft text of the NPT and with whom bilateral consultations were vigorously pursued. Discussions of the motivations of these four states – and the need to try to take account of their concerns – dominate all internal US discussions of NPT strategy during the period from December 1966-August 1967, to the extent that this period of consultations marks a distinct phase in the treaty's negotiation.

With the core elements of a US-USSR deal in hand, the superpowers needed to ensure that a draft treaty could be presented to the ENDC with a realistic expectation of success. For the USSR, the central measure of this was the attitude of West Germany – a

treaty that the FRG would not sign would be of little use. For the United States, too, West German acquiescence was a necessary condition for the treaty to advance – but so too was the general consent of key non-nuclear allies, within and outside NATO, and within and outside the ENDC. Gaining the general consent of the key non-ENDC states in advance was crucial, as the United States was determined that whatever text eventually emerged from the formal negotiations in the ENDC should be the final version, and not subject to a further round of discussions before it was presented for signature.³ At the same time, as discussed at length in the previous chapter, the superpowers were also extremely keen to avoid giving away substantial concessions on the substance of the treaty in order to secure non-nuclear-weapon states' agreement. Anatoly Dobrynin expressed this particularly bluntly to Walt Rostow over dinner in March 1967: in general, he said, the Soviet Union would meet the 'legitimate interests' of the non-nuclear powers, but it was not prepared to pay a 'high price' for a treaty, as the USSR would manage to 'get along somehow' if the NPT failed.⁴

Expressed briefly, the United States' task of preparing draft texts for presentation to the ENDC was achieved as follows. In late December 1966 the most important stakeholders at this stage of the NPT discussion – West Germany and Japan – were given drafts of Articles I and II on non-transfer and non-acquisition, and of Article IV, providing for a review of the treaty after five years to assess its implementation. At this stage, there was no explicit mention of a link with disarmament in the text. Interpretations supplied alongside the draft articles explained that the purpose of Article IV was to allow non-nuclear-weapon states to judge whether the nuclear powers had made progress on arms control and disarmament; and it was explained that the preamble would most likely contain some mention of such progress being the ultimate aim of the

³ See State to Bonn, Cable: Non-Proliferation Treaty, State 118092, LBJL, NSF, Papers of Francis M Bator – Non- Proliferation, Box 30, Vol.5, No.30, p.1.

⁴ Memorandum of Conversation between Rostow and Dobrynin on 27 March, 28 March 1967, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 31, Vol.1, No.12, p. 1.

treaty. The same draft was then circulated to all NATO members in mid-January 1967. Several rounds of consultation produced a number of redrafts (whose circulation was still limited to the NATO allies and Japan, until belatedly a copy was provided to India in April 1967), until the US and USSR eventually agreed on 10 August 1967 to submit separate but identical drafts to the ENDC. By this point the drafts included preambular references to disarmament, and a provision that the treaty's implementation could be reviewed – and further concessions had been promised, but withheld in order to give the appearance of their being offered to the non-aligned states in the ENDC.

To understand the details and significance of this process in the context of this thesis, it is necessary to study what happened once the private treaty drafts were first presented to the allies and other key non-nuclear states. It became immediately clear to the United States in particular that a swift move to present the treaty to the ENDC would be impossible, both on grounds of substance and of politics. The key substantive problem concerned safeguards: the FRG led a charge of European allies who objected vociferously to the idea of imposing IAEA safeguards in place of those administered by Euratom, especially while France's position (as a nuclear-weapon state) would remain unchanged. These problems were severe enough to delay until June 1967 NATO approval for presenting treaty drafts to the ENDC, and even the drafts in question were to leave Article III on safeguards blank.

More broadly, the response from West Germany, Japan and Italy in particular demonstrated that the treaty posed serious political problems for potential non-nuclear signatories that would require remedying in a range of ways, including through concessions on disarmament. When Dobrynin asked Rostow in March 1967 how the United States' consultations were going, Rostow replied that they were working at the problem, but that 'it was not easy to create a political environment in which nations

appeared to sign on to third-class nuclear status'.⁵ Reflecting in 1972, Rostow elaborated on this theme:

[The NPT] was, essentially, a constitutional arrangement for the organization of The noncommunist world. It had to be justified within the nations mainly concerned – before their parliaments and their peoples – on grounds of national interest, not as a benign exercise in détente between Washington and Moscow.⁶

As the following sections on key countries of interest will demonstrate, this political reality was a key driver of demands for concessions on disarmament; a strengthened review process; a strengthened right to withdrawal; and a treaty of limited duration. The way in which these demands were handled laid much of the ground for what was to follow in the formal negotiations, and tells us much about the purpose of the relevant elements of the eventual NPT text.

2.2.2 The keystone: Federal Republic of Germany

The process which did the most to shape the eventual text of the NPT, after the US-USSR negotiations, was the United States' consultations with West Germany. The FRG posed the greatest potential threat to the treaty's development: an explicit statement at an early stage from the FRG that it would reject a multilateral non-proliferation instrument would have removed the Soviet Union's central motivation for the project, and most likely would thus have prevented the NPT from coming into being. Added to this was Washington and London's desire to preserve good relations with a key European ally – and for the latter this imperative was underlined by Britain's reapplication to join the EEC.

This situation gave West Germany significant leverage in discussing the nature of the treaty with the United States and United Kingdom. This leverage was not unlimited – excessively strong opposition to the NPT would provide evidence in support

⁵ Memorandum of Conversation, Rostow/Dobrynin, 28 March 1967.

⁶ Rostow, *The Diffusion of Power*, p.379.

of Soviet propaganda about the dangers of West German militarism, would damage the FRG's international standing, and could even risk triggering a crisis with the USSR. Nevertheless, by the time the NPT was submitted to the UN General Assembly in 1968, the Germans had played their hand well enough that Bill Foster would observe wryly (and only partly hyperbolically) that the FRG had 'written half the treaty'.⁷

Importantly, part of the FRG's tactical approach included pressing for a disarmament obligation to be included in the text of the NPT. As we shall see, this was owing in the first place to the demands of domestic West German politics, and in particular the need to offset the psychological effect of accepting 'second-class' status. Extracting concessions on disarmament was a demonstration that national interests were not being ignored, and allowed the FRG position on the NPT to be spun as a positive policy of peace, rather than a passive acceptance of inferiority. But, equally importantly, the disarmament issue also provided a convenient framework in which to root the narrative of West German opposition to the treaty on the international stage, allowing the FRG to coordinate (gently) a non-nuclear caucus without leaving itself too vulnerable to Soviet propaganda. Lastly, because the West German government's position on disarmament was motivated by political and psychological considerations, rather than a particular passion for substantive measures of disarmament in the short term, the FRG was content to accept the superpowers' position that an explicit conditionality between non-proliferation and disarmament in the text of the treaty was too ambitious. The moderately-phrased Article VI, like much of the rest of the treaty, shows very clearly the mark of West German influence.

Why focus on the FRG's position on these matters? In the first place, as mentioned above, West Germany's importance to both superpowers meant that its

⁷ Memorandum for the Record of the 584th Meeting of the National Security Council, Washington, March 27, 1968, FRUS, Vol.XI, No. 229. Also attributed to Dean Rusk in Shane Maddock, *Nuclear Apartheid: The Quest for American Atomic Supremacy from World War II to the Present* (Chapel Hill: University of North Carolina, 2010), p.250.

acceptance (or at least non-rejection) of the treaty was a *sine qua non* for the NPT coming into being. More than that, however, the FRG was able to wield particular influence because of the early access it had to the text of the NPT, and the effort that the United States and United Kingdom put into addressing West German concerns during the period between the late-1966 superpower compromise and the presentation of the identical drafts to the ENDC in August 1967 – during which time the ENDC members, particularly the non-aligned, were largely excluded from any negotiations. In the field of disarmament, in fact, the United States and United Kingdom's perception of the psychological need for political concessions was largely set by lobbying from the FRG (and other key allies).

* * *

A treaty draft was shown to the FRG on 19 December 1966 as the basis for a possible agreement with the Soviet Union, with a set of talking points and an explanatory note in anticipation of likely German concerns.⁸ Key among these explanations were a set of assurances that some form of future multilateral force was possible as long as it did not involve the transfer of warheads; that the NPT would not bar the succession of a federal Europe to nuclear status; that, because the treaty would bar transfer of nuclear weapons to any recipient whatsoever, the FRG was not being singled out; and that a review conference after five years would allow for examination of the treaty's implementation.

By the time the US Ambassador in Bonn, George McGhee, met FRG Foreign Minister Willy Brandt to discuss the draft text of the NPT in January 1967, the political climate around non-proliferation in West Germany was decidedly toxic. A State Department cable giving interpretations of the draft articles had headed off the possibility of a high-level FRG delegation being sent to Washington to raise objections,⁹

⁸ State to Bonn, Cable, State 105379, 19 December 1966, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.47.

⁹ Bonn to State, Cable: Non-Proliferation Treaty, Bonn 7871, 6 January 1967, p. 1, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.37.

but the treaty faced a hostile press and a vociferous anti-NPT faction in the new grand coalition government. As Shane Maddock puts it, 'the new German government may have privately forsaken a hardware solution, but it regarded a public commitment to the Soviets as very different from a confidential understanding with its allies'.¹⁰ The anti-NPT contingent's complaints included the claims that the NPT would preclude a nuclear-armed Europe; that the FRG had not been properly consulted on the negotiations; and that the United States had already struck a deal with the Soviets not to upset the European status quo.

Awkwardly for the United States' plans for swift agreement on a treaty text, the press narrative around the NPT also included the demand that 'that Germany should in connection with the treaty seek to lead a bloc of other non-nuclear powers; and...that Germany should demand some type of additional assurances as a consideration for signing the treaty'.¹¹ On the one hand, as a matter of international reputation, West Germany could not afford to be left exposed as the only holdout to an NPT, a point which the new Chancellor Kurt Kiesinger had come to accept on his own.¹² On the other hand, the demands of maintaining the grand coalition, and a public and press still coming to terms with the new German identity, made it extremely difficult to accept any treaty seen to determine the long-term fate of West Germany without its consent.

With these political considerations in mind, the FRG continued to demand concessions to its interests in the text and interpretation of the treaty. Their concerns, as expressed to the United States, fell into three broad categories. A first category concerned the nature of the non-proliferation provision: specifically, whether it would affect existing arrangements within NATO; whether it would prohibit consultations within NATO on nuclear policy; and whether it would preclude a federal Europe

¹⁰ Maddock, *Atomic Apartheid*, p. 269.

¹¹ Bonn to State, Cable: Conversation with Brandt on Non-Proliferation Treaty, Bonn 7962, 10 January 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.35, p. 2.

¹² McGhee to Rusk, Cable: Non-Proliferation Draft Treaty, Bonn 7342, 20 December 1966, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.41, p.1.

inheriting its component states' nuclear weapons in future.¹³ These concerns were addressed, albeit not without some difficulty, through the provision of written interpretations of the relevant NPT articles by the United States. The FRG accepted the assurance that the US-USSR agreement meant that whatever was not prohibited was permitted, with the added comfort of the United States' own interpretations circulated in private. At the same time they recognised that, as Bill Foster told the FRG's ambassador to the United States, Karl Heinrich Knappstein, 'if these interpretations were written in large neon lights, there would be no treaty', given the Soviets' political stance.¹⁴

Secondly, the FRG had strong concerns about the possible effects of an NPT on West Germany's standing in civilian nuclear energy, and on the practical implications of IAEA (as opposed to Euratom) safeguards, including the possibility of industrial espionage. Willy Brandt emphasised to Dean Rusk in February 1967 that 'the NPT should not be used as an instrument of discrimination against the FRG in the peaceful development of atomic energy', and that this was his primary concern with the treaty.¹⁵ Here, private assurances were not enough. The FRG was reassured on this point only very gradually, not only through dialogue but through the United States' 'voluntary offer' to place its civilian activities under IAEA safeguards, as well as amendment of the NPT text itself, particularly Articles III and IV. The issue of peaceful uses and safeguards is beyond the scope of this thesis and has been discussed to some extent elsewhere, but involved close coordination between the United States and United Kingdom, including a visit by UK Scientific Advisor Solly Zuckerman to Bonn in March 1967.

Thirdly, and of direct relevance to this thesis, the FRG enthusiastically embraced the narrative that the non-nuclear states should be compensated for their sacrifice:

¹³ 'Status Report on Views of States Consulted on Non-Proliferation Treaty', State Department Information Memorandum, 14 February 1967, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 31, Vol.1, No.28a, p.2.

¹⁴ State to Bonn, Cable: Non-Proliferation Treaty, State 131388, 18 January 1967, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 30, Vol.5, No.11, p.1.

¹⁵ Memorandum of Conversation, 8 February 1967, FRUS, Vol.XI, No.18.

through reciprocal concessions on disarmament from the nuclear powers; through security assurances; through a mechanism for reviewing the treaty; and through limiting the NPT's duration. In a sign of things to come, Brandt told Ambassador McGhee in January 1967 that 'Germany felt it necessary...that the desires and wishes of the non-nuclear powers generally be considered. Why, for example, could it not be put in the treaty that one of its aims was to control 'vertical' proliferation? If [the] answer to this question is that it was too complicated, he would understand. Perhaps a statement of intent could be made collaterally.'¹⁶ Notice, here, that the 'statement of intent' language matches that used in the Non-Aligned Memorandum of 1966 referred to in the previous chapter: the FRG frequently framed its criticisms of the treaty from the perspective of the non-nuclear states as a whole, rather than that of West Germany.

The substance of the FRG's objections to the treaty was secondary, however, to their symbolism. By the time the draft NPT text was first shown to the West Germans, Kurt Georg Kiesinger had assumed the chancellorship after the collapse of Ludwig Erhard's coalition, and in order to form a government had entered into coalition with Brandt's Social Democrats (SPD). The United States and the United Kingdom were both highly sensitive to the difficulty of Kiesinger's task in keeping the coalition together, and were willing to adjust the content of the treaty, as far as possible, to meet West German needs. Domestic opposition to the NPT was led by political heavyweights: most notably Franz Josef Strauss, the charismatic Finance Minister and chairman of the Christian Social Union (CSU), and, until his death in April 1967, former Chancellor Konrad Adenauer. As a worried cable from the US embassy in Bonn observed, '[n]ormal roles have already been turned somewhat topsy-turvy by the NPT debate', to the extent that even a normally reliable supporter of American policies like Kurt Birrenbach of the

¹⁶ Bonn to State, 10 January 1967, pp. 2-3.

Christian Democratic Union (CDU) was out stumping against the treaty.¹⁷

The most sensitive topic for the FRG opposition to the treaty was its potential effect on West Germany's industrial standing – but its roots were laid in deeper nationalist grounds, making the issue of reciprocal sacrifice from the nuclear-weapon states highly relevant. Strauss, characteristically, was the most grandiloquent in his arguments. Over dinner with PM Harold Wilson in Bonn in February 1967, a Foreign Office memorandum records, Strauss 'developed his objections mainly on political lines. His view was that the proposed non-proliferation treaty amounted to a second Yalta in which the fate of the world for generations to come would be decided by the two great nuclear powers with the United Kingdom, France and China in lesser nuclear roles and all other countries, including Germany, as underprivileged and third-class.'¹⁸ Strauss, who had something of a knack for melodramatic analogy, also called it a 'new Versailles, and one of cosmic dimensions, too'.¹⁹

Although Strauss represented the most extreme end of West German opposition to the NPT, his arguments were echoed in more moderate form even by those broadly in support of the treaty. In a cable to Foreign Secretary George Brown, Lord Chalfont reported that 'the outlook [for the NPT] is not good. The Government of the Federal Republic is obviously split and those who would like to accept the treaty are finding it politically difficult to do so in its present form.'²⁰ Harold Wilson, for his part, wrote to President Johnson in February 1967, observing that 'I need not tell you how disturbed the Germans are at the prospect of the conclusion of a non-proliferation treaty. I am reasonably confident that only a minority follows Strauss... [But] there are other – and perhaps more genuine and more respectable – German considerations which could, and

¹⁷ Bonn to State, Cable: Non-Proliferation and German Politics, Bonn 9759, 2 February 1967, LBJL, NSF, Subject File – Non-Proliferation, Box 26 Vol 1 No 29a, p. 2

¹⁸ Memorandum, German views on Non-Proliferation, 21 February 1967, UKNA, PREM 13/2440, No.7c.

¹⁹ Quoted in Matthias Kuentzel, *Bonn & the Bomb: German Politics and the Nuclear Option* (London: Pluto, 1995), p. 90.

²⁰ Cable, Geneva to Foreign Office, Geneva 11, 22 February 1967, UKNA, PREM 13/2440, No.8a.

I am sure should, be met.²¹ In fact, Kiesinger had explicitly appealed to Wilson for help in managing these problems. Strauss's attitude, according to Kiesinger, was 'symptomatic of a widespread feeling of unease... [and] a feeling that Germany was to be downgraded to the status of a tenth-rate power.' He told Wilson he would be 'grateful for any help, especially psychological help, that Britain could give in this respect. It would be very useful if Britain could say that she realised that a great deal was being asked of the non-nuclear powers and that everything possible should be done to assure them that their interests would be effectively safeguarded [author's emphasis].'²²

The Johnson administration did not need be told by the British of the West Germans' political problems: they had heard as much directly from the FRG's representatives. The US embassy in Bonn had warned, moreover, that the debate over the NPT could place 'such strains on the grand coalition as seriously to jeopardize the Kiesinger government', warning that '[t]he danger exists that, unless some adjustments can be made in the treaty text and satisfactory explanations provided on a number of controversial points, politicians like Strauss, Adenauer and their followers will be frozen into a position of irreconcilable opposition'.²³ Unlike the attitude that would later be taken to non-aligned complaints in the ENDC, neither the United States nor the United Kingdom was willing to dismiss or ride over German complaints, no matter how politically-motivated they might be. Rusk told Foster that he and the President had agreed that a 'treaty which breaks up coalitions and causes governments to fall will have little value', and favoured 'patience, explanation and friendly persuasion' over coercion.²⁴ For the UK the need to follow such an approach was even more acute, as the

²¹ Cable, Foreign Office to Washington, Foreign Office 1838, 22 February 1967, UKNA, PREM 13/2440, No.8.

²² Record of a Meeting Between the British Prime Minister and Foreign Secretary and the Federal German Chancellor and Foreign Minister in Bonn, Memorandum, 16 February 1967, UKNA, PREM 13/2440, No.7aa.

²³ Bonn to State, 2 February 1967, p.1.

²⁴ Cable, Rusk to Foster literally eyes only, State 150895, 8 March 1967, LBJL, NSF, Subject File – Non-Proliferation

first few months of 1967 saw an intense effort to gain West German support for a second British application to join the European Economic Community.²⁵ George Brown replied to Chalfont's February 1967 cable on the FRG's political problems by warning him to 'be very careful in this', to 'let tempers cool', and not to let it be known that the UK was advocating being tough with the Germans, Italians and Euratom.²⁶

The approach taken by the United States and United Kingdom to this situation, then, was to tailor the treaty as much as possible to West German interests without endangering the core of the superpower agreement. The long and complicated effort to do this in the field of civilian nuclear energy and safeguards is a topic for another study. However, it was also done – with practical implications for the text of the treaty – in the field of disarmament, security assurances, the treaty review process, and the NPT's duration. The previous chapter demonstrated that there was no possibility of the superpowers agreeing to an explicit conditionality of non-proliferation and disarmament – that is, a direct tradeoff of concrete disarmament steps for non-proliferation commitments. But policymakers in the United States and United Kingdom saw the possibility that somehow acknowledging the political linkage between disarmament and non-proliferation could do much to improve the image of the treaty, particularly in the German case.

This pointed to a strategy of including the 'statement of intent' called for by the Non-Aligned Eight's 1966 memorandum (and by Brandt) in the preamble of the treaty. Having listened to the first round of West German complaints, in the broader context of other non-nuclear states' opinions, the United States by mid-February 1967 was planning to include preambular paragraphs on 'the intention to achieve the cessation of

Treaty, Box 26, Vol.1, No.40a, p.1.

²⁵ The Wilson government could hardly have been unaware of the need not to allow transatlantic nuclear politics to scupper its European aspirations: the first British application had been turned down by Charles de Gaulle in 1963 in no small part because of the United States' sale of Polaris missiles to the UK.

²⁶ Cable, Foreign Office to Geneva, Foreign Office 1106, 23 February 1967, UKNA, PREM 13/2440, No.10.

the nuclear arms race and a further easing of international tensions', and to have those paragraphs act as a 'basis for taking stock of the situation' at a review conference to be held five years after the entry into force of the treaty.²⁷ The United Kingdom was inclined to go a little further: George Brown told Willy Brandt in April 1967 that the UK was 'prepared to promote or endorse treaty language which would reflect a serious declaration of intent by the nuclear powers to restrict and reduce their own nuclear armaments.'²⁸ This greater enthusiasm on the part of the British was doubtless partly encouraged by the Labour government's delicate political predicament over the deployment of Polaris. Chief Scientific Advisor Solly Zuckerman had reported from Bonn that the publication of a *Times* story about 'UK plans for further Polaris weapon developments' in March had encouraged some he met in Germany to declare that the UK were 'going in for what is now referred to as vertical proliferation, while we continue to press the non-nuclear countries against horizontal proliferation... [T]hey may seek to exploit what they take to be an indication of further discrimination.'²⁹ The FRG also pushed for an assurance that the review conference process would be used as an instrument to put pressure on the nuclear-weapon states to disarm, and that this would be clearly reflected in a treaty article relating the review conference to the purpose of the treaty (as a measure in the direction of disarmament) as expressed in the preamble.³⁰

Thus it was that Willy Brandt could later record that one of the results of intensive talks in Washington from 10-14 April 1967 was 'prospects of further

²⁷ Status Report on Views of States Consulted on Non-Proliferation Treaty, State Department Information Memorandum, 14 February 1967, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 31, Vol.1, No.28a, p. 2.

²⁸ Record of Meeting Between the Secretary of State and the German Foreign Minister held in the Foreign Office, 12 April 1967, UKNA, PREM 13/1888, p.22, para.60.

³³ Solly Zuckerman to Harold Wilson, Letter, The Non-Proliferation Treaty: Discussions in Bonn 3rd/4th March and in Geneva 6-10th March 1967, 13 March 1967, UKNA, PREM 13/1888, para.9.

³⁰ Status Report on Views of States Consulted on Non-Proliferation Treaty, 14 February 1967, p. 2.

regulations on disarmament in the text of the treaty'.³¹ However, when the West German delegation led by Ambassador Swidbert Schnippenkoetter pressed ACDA to strengthen the preambular language to call for complete nuclear disarmament, the Americans proposed a more tactical, even cynical, approach. ACDA told the West Germans that 'this was a subject on which they expected pressure from the Non-Aligned countries in the ENDC. They would prefer, therefore, to delay any amendment until it could be offered in response to that pressure.'³² This approach, in fact, suited the FRG perfectly well. Vocal West German opposition to the NPT, and particularly to its non-transfer and safeguards provisions, had provided useful propaganda material for the Soviet Union. This being the case, it would suit the FRG's interests to be seen not as a potential belligerent, but rather as a peaceful member of the group of soon-to-be anointed non-nuclear-weapon states. As Matthias Kuentzel has argued, this was a means of 'camouflaging any special NPT concerns which had originally been initiated by Bonn by embedding them in the solidarity of interests of the other non-nuclear nations'.³³

Here, advocacy for disarmament was particularly expeditious. As shown above, the FRG used the issue of disarmament on the one hand as a response to domestic unhappiness at the discrimination inherent on the NPT. At the same time, however, it leaned strongly on the disarmament theme (and associated issues) as a rallying point for collective non-nuclear-weapon state lobbying. Whilst the West Germans had been pressing their case in private with the US, the Americans had picked up first whispers, then direct confirmation, that they were quietly coordinating non-nuclear opposition to the treaty. Contradicting previous denials and evasions from Brandt and Schnippenkoetter, the Japanese Ambassador to Washington told Dean Rusk that the Japanese Government had been approached by the FRG proposing that the two

³¹ Quoted in Kuentzel, *Bonn & the Bomb*, p. 98. Kuentzel provides a translation from a presentation by the Foreign Minister to the Cabinet on the NPT, Documents of the *Auswaertige Amt*, 23 July 1969.

³² Washington to Foreign Office, Cable, Washington 1195, 15 April 1967, UKNA, PREM 13/1888, pp.2-3.

³³ Kuentzel, *Bonn & the Bomb*, p.86.

governments 'concert their positions on various aspects of the treaty', including the link to an anti-ballistic missile treaty, a fissile material cut-off treaty, and the need for five-yearly review conferences.³⁴

Indeed, as Kuentzel puts it, 'from the [beginning,] the Kiesinger government wanted to take up a position at the head of the non-nuclear nations'³⁵ - and in early 1967 the FRG pursued further consultations with Italy, India and Brazil.³⁶ The West Germans made this approach public in April 1967, circulating a 'Memorandum on the Present Negotiations' first to the ENDC members and subsequently to all NATO capitals.³⁷ The need for disarmament by the nuclear-weapon states was its first and most lengthy section, framing the NPT as 'the preliminary step towards a comprehensive arrangement', and calling for the nuclear-weapon states to 'explicitly announce their willingness to take their own steps to restrict and reduce armaments.'³⁸

Note the way in which the disarmament issue is presented: the FRG is calling not for direct conditionality between disarmament and non-proliferation commitments, but rather for a non-proliferation treaty made possible in political terms by it being framed as part of a broader disarmament structure. In specific terms, moreover, the memorandum goes on to identify a statement of intent on disarmament as the necessary measure to ensure a fair balance of rights and obligations in accordance with UNGA Resolution 2028(XX).³⁹ Finally, the memorandum's concluding section – a mealy-mouthed rumination on 'Equality in the Co-operation of all Participating States in the Realization of all the Aims of Non-Proliferation' – gives a perfect elucidation of the FRG's method of addressing nationalist objections to the treaty from behind the cover of

³⁴ State to Tokyo, Cable, State 128316, 31 January 1967, LBJL, NSF, Country File – Asia and the Pacific – Japan, Box 251, Vol.5, No.80, pp.1-2.

³⁵ Kuentzel, *Bonn & the Bomb*, p.85.

³⁶ Kuentzel, *Bonn & the Bomb*, pp.85-9.

³⁷ Reproduced in State to all NATO countries and ENDC countries, Cable: German Memorandum on Nonproliferation and Disarmament, LBJL, NSF, Subject File – Non-Proliferation, Box 26, Vol.1, No.59. Hereafter referred to as 'German Memorandum'.

³⁸ German Memorandum, pp.3-4.

³⁹ German Memorandum, p.4.

the collective non-nuclear interests. 'The non-nuclear countries are not states with lesser rights,' the memorandum declared, 'but pioneers of a progressive policy of peace... The nuclear-weapon powers are called upon to take the next steps.'⁴⁰ As will be demonstrated further below, the FRG maintained consistent pressure on this issue up to and beyond the time of the US-Soviet identical drafts being tabled in August 1967. At a NATO ministerial meeting in June 1967 Willy Brandt said that, alongside peaceful uses, forging 'a stronger link between [the] NPT and other arms control and disarmament measures' remained one of the FRG's two main interests.

A similar process took place on the issue of the treaty's duration. Walt Rostow reported to the President in May 1967 that Josef Strauss had 'forced Kiesinger into a reasonably tight position on the time limit for the NPT':⁴¹ West German sources were reporting that Kiesinger thought it 'politically dangerous' for him to submit a non-proliferation treaty to the Bundestag and to the country unless it was time-limited.⁴² To do so risked the breakup of the coalition through right-wing rebellion, according to Karl Theodor Freiherr von und zu Guttenberg,⁴³ Kiesinger's principal foreign policy adviser, who observed that US-West German relations were going through a 'political and psychological' crisis.⁴⁴ Instead of unlimited duration, the West Germans argued that states should either be permitted to sign up individually to the treaty for a specified time, or that the NPT should have a fixed duration of 20 years.

The pattern of West German manoeuvrings over the treaty's duration fitted the same pattern as those over the disarmament issue. Firstly, they were motivated by domestic politics, on primarily psychological grounds: for instance, Kiesinger framed

⁴⁰ German Memorandum, pp.6-7.

⁴¹ Rostow to Johnson, Memorandum, 8 May 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.74, p.1.

⁴² Memorandum of Conversation, 8 May 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.74a, p.1.

⁴³ Grandfather of Karl Theodor von und zu Guttenberg, the German defence minister brought down in 2011 by his plagiarised PhD thesis.

⁴⁴ Rostow to Johnson, Memorandum, 25 April 1967, LBJL, NSF, Name File – Rostow Memos, Box 7, No. 130, p.1.

his opposition to a permanent treaty as a matter of his responsibility 'to the younger generation of Germans'.⁴⁵ Secondly, the FRG caucused with other key non-nuclear states to present a united front on the issue, particularly with India and Italy. Lastly, however, just as had happened with the text on disarmament, the US persuaded the West Germans to allow the duration issue to be postponed until it was brought up by other states in the ENDC negotiations, to allow concessions on the treaty text to be made tactically, and to avoid giving the Soviets the impression that the negotiations were being dictated by the FRG.⁴⁶

* * *

The FRG's lobbying on all these issues continued throughout the formal negotiations on the text of the NPT. But by the time the identical drafts were ready to be presented to the ENDC in August 1967, West German lobbying had already given the United States a clear idea of what would be necessary to gain FRG support for the NPT, and had produced an understanding of the political importance of including some kind of link to disarmament measures, whilst avoiding the need for writing the substance of those measures into the treaty. The United States and the United Kingdom, through this experience, were highly attuned to the idea that the NNWS were being asked to sacrifice a great deal, and that part of the compensation for that sacrifice must include a clear recognition that the NPT's legitimacy would require a recognition that it formed part of a broader framework of further measures of arms control and disarmament.⁴⁷

⁴⁵ Status of Negotiations on the Non-Proliferation Treaty, CIA Intelligence Memorandum No. 1111/67, 8 May 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.71a, p.4.

⁴⁶ See Rusk to Johnson, Memorandum: Proposed tabling of a non-proliferation treaty at the ENDC, 16 May 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.67a, pp. 3-4; and Letter from Rusk to Brand transmitted in State to Bonn, Cable: Message for Brandt on NPT, State 195851, 19 May 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.26, p.4.

⁴⁷ This reading of the US-FRG exchanges also differs strongly from their characterisation by Swango as primarily coercive, and indicates not, as Swango argues, that the NPT was aimed specifically at preventing West German nuclearisation as opposed to forming a multilateral instrument – but instead, that the FRG experience gave the United States a clear sense of what political concessions would be necessary to make their objective, a multilateral treaty, possible. See Swango, *The Nuclear Non-Proliferation Treaty*, pp. 109-113.

2.2.3 The worried allies: Japan and Italy

If the concerns of the West Germans commanded the greatest attention in the United States, those of her other allies were not far behind. Two in particular, Japan and Italy, had a noticeable effect in forcing movement on the disarmament question. Their concerns were admittedly of secondary importance to the NPT's prospects when compared to those of the West Germans, simply because their adherence to the treaty was not as crucial to the Soviet Union. Nevertheless, the United States' desire to maintain broadly positive relations with both countries, and not to induce undue political problems for each in the domestic arena, contributed to significant adjustments in the nature of the treaty. Moreover, both Japan and Italy formed part of the FRG's collective lobbying effort, discussed above, to influence the direction of the negotiations.

Egged on by West Germany, both states, when confronted for the first time by the draft text, demanded changes. Neither, just like the FRG, was in a position comfortably to oppose the treaty in explicit terms, but both countries were able to pressure the United States to tailor the draft to their interests. The motivating factors for both countries in applying pressure on the disarmament issue, furthermore, were similar: a combination of the need to preserve national prestige for a domestic audience; and the expediency of using disarmament as a cover for other, less easily defensible, objectives.

After sharing the core of the draft text, the United States soon began to receive discreet communications from the Japanese indicating that, although the substance of the treaty posed no insurmountable problems,⁴⁸ the climate of US-Japan relations meant that there would be some political issues to consider. Japanese Prime Minister Eisaku

⁴⁸ For example, the Japanese Ambassador to the United States, Takezo Shimoda, told the State Department in January 1967 that the draft 'presents no major difficulty' for the Government of Japan. Tokyo to State, Cable, Tokyo 4702, 3 January 1967, LBJL, NSF, Subject File – Non-Proliferation, Box 26, Vol.1, No.52, p. 1.

Sato's private secretary told the US embassy in Tokyo that the NPT would be an 'important political problem for Sato', and that signing the treaty in its current form would be taken as an acceptance of a 'second-class' role for Japan. The Japanese would need an opportunity to present their views in the open so that the public would 'thereby [be] convinced that Japan's interests were duly considered.'⁴⁹ Indeed, a State Department memorandum in March 1967 noted that 'Japanese dissatisfaction with the draft Nuclear Non-Proliferation Treaty... has been unexpectedly vociferous for a nation in which discussion of indigenous nuclear-weapons capabilities had long been taboo.'⁵⁰ In particular, several Japanese newspapers had raised strong objections, claiming that the treaty would perpetuate a nuclear monopoly for the existing nuclear-weapon states.

The broad political context for these objections consisted of Japanese anxiety about abandonment by the United States in the face of the Chinese threat, combined with a nationalist desire for greater independence. One response by the United States to Japanese concerns, therefore, was to give stronger assurances over Japan's protection in wartime, including a nuclear guarantee. Yet in itself the act of forswearing nuclear weapons through an NPT did not pose practical problems for the government (although Japan undoubtedly preferred to keep her nuclear options open), as, unsurprisingly, the prospect of any direct Japanese access to nuclear weapons was an entirely toxic issue in the domestic political arena. Rather, the objections seemed to stem from the perceived loss of prestige and national status in signing on to a discriminatory treaty, and its implications for the worldwide balance of power. The US Ambassador in Tokyo reported 'Japanese hypersensitivity to any suggestion that the US and USSR are moving toward a kind of "super-powers' club" from which Japan will be forever excluded... These attitudes are, of course, being nurtured by public statements coming from West

⁴⁹ Tokyo to State, Cable, Tokyo 5310, 27 January 1967, LBJL, NSF, Country File – Asia and the Pacific – Japan, Box 251, Vol.5, No.22, p. 2.

⁵⁰ Hughes to Rusk, Memorandum, State Department Bureau of Intelligence and Research (INR) Study: Japanese Reservations toward NPT, 9 March 1967, LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26, Vol.1, No. 84, p.1.

Germany, probably communicat[ed] even more forcefully in Japanese-German consultations on the NPT.⁵¹

A core demand stemming from these concerns was that the treaty should not legitimise a nuclear monopoly by the existing nuclear-weapon states, and should thus be framed as a step towards further measures of disarmament – and this was a demand made in private and in public. The Japanese government's first official response to the treaty draft argued that it should constitute a step towards general and complete disarmament, stimulate progress on nuclear disarmament, and not result in a 'weakening [of the] voice of non-nuclear weapon states on world politics generally through [a] nuclear monopoly of [the] nuclear weapon states'.⁵² It further asked that the nuclear-weapon states express their intention, in the treaty or in a declaration, to 'bend all efforts toward disarmament, in particular nuclear disarmament'; that regular review conferences be held to assess progress on disarmament; and that states should have the opportunity to consider their position, including the possibility of withdrawal, five years after the treaty's entry into force.⁵³ Along similar lines, Sato told a press conference in January 1967 that while he favoured an NPT in principle, 'Japan would be gravely concerned if the nuclear powers should attempt to perpetuate their international advantages and refuse to cooperate with the non-nuclear powers on the arms cut issue'.⁵⁴ CIA and State Department documents record that the Japanese press contained similar demands, contending that the gap between the nuclear and non-nuclear powers must be closed gradually through arms reductions, and that the nuclear-weapon states should give a positive commitment eventually to abandon their monopoly.⁵⁵

⁵¹ Tokyo to State, Cable, Tokyo 6126, 1 March 1967, LBJL, NSF, Country File – Asia and the Pacific – Japan, Box 251, Vol. 6, No.70, pp. 2-3.

⁵² Rusk for Johnson (eyes only), Cable: Non-Proliferation Treaty, State 110302, 29 December 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.55, pp. 1-3.

⁵³ Ibid.

⁵⁴ Recorded in Hughes to Rusk, Memorandum, 9 March 1967, p. 1.

⁵⁵ Status of the Non-Proliferation Treaty Negotiations, CIA Information Memorandum No.0796/67, 28 February 1967,

The Italian government did not receive quite the same level of bilateral attention as Japan, but the strenuousness of its complaints within the NATO policy structure made tending to its interests a necessity. At a North Atlantic Council (NAC) meeting on 8 February 1967 Italy declared that the current draft was 'unacceptable': among its complaints were the charges that the treaty would 'put some Allies in a position of permanent inferiority', and that it would 'not provide for the nuclear disarmament of the nuclear powers'.⁵⁶ A State Department memo in March 1967 recorded the hysteria of some sections of the Italian press over the implications of the treaty, and concluded that '[f]or reasons of *bella figura*, Italy is reluctant to accept the idea not only of being cast in a lesser role than France, but also of being equated with the "non-nuclear non-states [sic]"'.⁵⁷ The CIA believed, predictably, that the centre of opposition to the NPT within the Italian government on the disarmament issue was Fanfani, who (as the previous chapter showed) had proved so troublesome during the first stage of treaty negotiations.⁵⁸ Both Fanfani and Prime Minister Moro were also pushing strongly on the issue of the treaty's duration, in discussions both with the US and the USSR.⁵⁹

Many within the United States government took the pressure from both Japan and Italy on these issues seriously, and proposed altering the draft treaty as a result. Alexis Johnson, now Ambassador to Japan, cabled back from Tokyo expressing his 'hope that in terms of our overall relations [with Japan] we will be able to point to at least some element in the final draft that was influenced by their views'.⁶⁰ A State

LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26, Vol.1, No.87a, p.6 and Hughes to Rusk, 9 March 1967, p.2.

⁵⁶ Recorded in State Department Information Memorandum: Status Report on Views of Countries Consulted on Non-Proliferation Treaty', 14 February 1967, LBJL, NSF, Papers of Francis M Bator, Box 31, Vol.1, No.28a, p.5.

⁵⁷ Hughes to Rusk, State Department INR Study: Italian Frustrations Over the NPT, 2 March 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.83c, p.3.

⁵⁸ Davis to Rostow, Memorandum: Italy and the Non-Proliferation Treaty, 15 March 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.83b, p.2.

⁵⁹ See e.g. Henry Owen, 'Additional action that might be taken to meet concerns of NPT signatories', Memorandum, 6 April 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.77c.

⁶⁰ Tokyo to State, 7 January 1967, p.2.

Department memorandum in March 1967 concurred, arguing that '[o]ur problem is not to get the Japanese to sign the treaty. They are almost certain to do so. Our problem is to get them to accept it as not having been rammed down their throats.'⁶¹ Similarly, the State Department considered it necessary to allow the Italians 'to be able to say they have their thumb prints on the Treaty and its negotiation – and that their own sacrifices are worthwhile'.⁶²

Unsurprisingly, then, the consensus emerged among those in the US government who had studied the countries' positions that a stronger form of language on the NPT's role as a step towards disarmament would be necessary to allow the Japanese and Italian governments to save face. A State Department memorandum on 2 March 1967, for example, argued that Italian unhappiness would be 'considerably assuaged if the preambular language to the NPT dealing with the 'intention' of the nuclear signatories to proceed with other aspects of nuclear disarmament were strengthened, and if, perhaps, some incense were burned to the magnanimous offer of self-sacrifice made by a 'near-nuclear' such as Italy in swallowing the anti-atomic pill'.⁶³ And a cable to Tokyo on the same day instructed Alexis Johnson to tell the Japanese that the US was seeking Soviet concurrence with changes in the preamble to strengthen the disarmament commitment. The altered text would make clear the parties' intention to achieve 'at the earliest possible date the cessation of the arms race', and that nuclear weapons and delivery vehicles should be 'eliminated from national arsenals pursuant to [a] treaty on general and complete disarmament.' Provision for a review of the treaty after five years would allow parties to assess progress against these objectives.⁶⁴

Despite these alterations, when the treaty drafts were submitted to the ENDC for

⁶¹ Jenkins to Rostow, Memorandum: Japanese Attitudes toward Non-Proliferation Treaty, 15 March 1967, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No. 83a, p.2.

⁶² Davis to Rostow, 15 March 1967, p.2.

⁶³ Hughes to Rusk, 2 March 1967.

⁶⁴ State to Tokyo, Cable: Non-Proliferation Treaty, State 147730, 2 March 1967, LBJL, NSF, Subject File – Non-Proliferation, Box 26, Vol.1, No.51, pp.3-4.

consideration in August 1967, both states were continuing to press for concessions on disarmament, a treaty review process, and the treaty's initial duration. Japan in particular, emphasised the need for an explicit statement of intent on disarmament in the text of the treaty itself – but, just as had been the case with West Germany, was advised that it might be prudent to delay the textual change to allow it to be offered as a concession to the non-aligned states in the ENDC.

2.2.4 The truculent neutral: India

As discussed in Chapter I, the prospect of Indian nuclearisation had been a significant factor in convincing the United States of the need for an NPT. However, Indian support for the treaty was looking increasingly doubtful. Not only had India led the charge for a 'package deal' of non-proliferation and disarmament, a position maintained throughout the following months, the difficulties of providing the kind of security assurances that could change India's position on the NPT were obvious.

While the United States was consulting its allies over the parameters of an NPT deal, non-aligned India was not given a text of the NPT, and by March 1967 the United States was receiving complaints from senior Indian officials about the lack of dialogue on the treaty proposals.⁶⁵ These were taken seriously: by the start of April agreement was secured with the USSR to share with India a draft excluding Article III,⁶⁶ and a meeting was arranged for mid-April between LBJ and LK Jha, the principal foreign policy adviser to Indian Prime Minister Indira Gandhi. This was part of a broader attempt by the Indians to exert influence on the NPT issue in private. Jha, in fact, had recently travelled to Moscow to press the issue of security assurances, and had been offered an apparently promising Russian draft of a commitment that the use or threat of

⁶⁵ State to Geneva, Cable: NPT, 10 March 1967, State 153369, LBJL, NSF, Subject File – Non-Proliferation Treaty, Box 26, Vol.1, No.3, p.2.

⁶⁶ Wriggins to Rostow, Memorandum: NPT and India, LBJL, NSF, Country File – India, Box 132, Vol.9, No.117.

use of nuclear weapons against a non-nuclear-weapon state would necessitate immediate action by the permanent members of the Security Council under the UN Charter.⁶⁷

However, despite a series of meetings between Jha and senior US national security officials, including – eventually – Johnson himself, and an exchange of letters between Johnson and Gandhi expressing the hope that an arrangement on security assurances could be reached, no formula could be found to assuage India's specific concerns without crossing 'red lines' of American security interests. Rusk took the position in talks with Gromyko that a specific Presidential assurance of nuclear defence to India would require approval by the Senate in the manner of the treaty, which was too great a political risk,⁶⁸ and in further bilateral discussions it was agreed that any security assurance along these lines would have to apply to all non-nuclear-weapon states, and would be provided through the mechanism of a UN Security Council resolution.⁶⁹ There was also internal US opposition, from the Joint Chiefs of Staff, to any generalised security assurance that would prohibit nuclear first use by the US in Vietnam or Taiwan. Added to this, as Swango has illustrated, was the fact that there might indeed not be any form of security assurance which would be regarded by India as an adequate substitute for nuclear weapons, should it be judged that the threat from China demanded a nuclear response.⁷⁰ In essence, then, the rather desultory bilateral US-India exchanges in April 1967, and the subsequent US-USSR discussions, signified the end-point of attempts to provide binding security assurances to non-nuclear-weapon states in the context of the NPT, and the beginning of a superpower consensus to address the matter through a UN

⁶⁷ The text of this assurance is reproduced in an attachment to Rostow to LBJ, Memorandum: Indian Translation into English of Russian Text of Proposed Soviet Security Declaration Regarding NPT, 19 April 1967, LBJL, NSF, Country File – India, Box 132, Vol.9, No.101.

⁶⁸ Memorandum of Conversation between Rusk and Gromyko, 'Non-Proliferation Treaty; Assurances to Non-Nuclear Powers; Latin American Nuclear Free Zone', Washington, 23 June 1967, reproduced in FRUS, Vol.XI, No.198.

⁶⁹ Memorandum of Conversation between Rusk and Gromyko, 'Non-Proliferation', 27 June 1967, LBJL, NSF, Country File – USSR – Gromyko Conversations (Nov 64- Jun 67), Box 228, Vol.1, No.13a, pp.4-5.

⁷⁰ C.f. Swango, *The Nuclear Non-Proliferation Treaty*, pp.127-129.

Security Council Resolution.⁷¹

2.2.5 The route to the first drafts

Given these reactions, it was clear that the firm tactical approach to resisting disarmament concessions thus far taken by the United States, with the support of the Soviet Union, would have to be adjusted in a way that would preserve its core interests whilst satisfying the allies' political requirements. While these messages were being conveyed, a more practical and substantive dialogue was taking place between the US and UK and their allies, both bilaterally and through NATO, to reassure them on the question of the effect on European civil nuclear development of mandating IAEA safeguards, and on the precise meaning of the US-USSR deal over nuclear sharing (specifically, the preservation of the 'European option'). On 15 June 1967, the US received a 'green light' from all NATO states except the FRG (which neither agreed nor actively objected) to proceed with the introduction of US-USSR identical draft texts to the ENDC.⁷² The details of the language on safeguards to be included in the NPT were yet to be agreed between the superpowers, but it was judged that the urgency of presenting a draft treaty (to prevent the ENDC's attentions being directed elsewhere) merited the introduction of identical drafts containing all the other provisions, leaving a blank Article III on safeguards. This marked the end of the purely private debate over the NPT text, and the beginnings of the public negotiation of what would eventually become Article VI.

⁷¹ This process is explored in more detail in Swango, *The Nuclear Non-Proliferation Treaty*, pp. 113-129.

⁷² Paris to State, Cable: NATO Ministerial Meeting: Non-Proliferation Treaty, 15 June 1967, Paris 201212, LBJL, NSF, Papers of Francis M Bator – Subject File – Non-Proliferation, Box 31 Vol. 1, No. 18e.

2.3 The balancing act: negotiations on the first draft in the ENDC

As we have seen, during preliminary consultations over the NPT, the question of disarmament did not stand alone. It was closely related to a range of other issues: the review process; the duration of the treaty; provisions for withdrawal and amendment; and security assurances from the nuclear powers. These, broadly speaking, can be seen as a 'compensatory package', offered alongside a parallel compensatory package in the area of the peaceful uses of nuclear energy (later embodied by Article IV of the final treaty). For the sake of clarity, the following is how the disarmament compensatory package stood in the identical drafts of 24 August 1967:

The States concluding this treaty [...]

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race.

Urging the co-operation of all States in the attainment of this objective,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control, [...]

Have agreed as follows: [...]

Article V

[...]

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized. [...]

Article VII

This Treaty shall be of unlimited duration.

Each party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country.[...]

2.3.1 Reactions: acceptability of the drafts

Almost all ENDC members, regardless of their views on the content of the drafts, recognised the introduction of identical texts by the superpowers as a significant event, and as an encouraging sign of cooperation which could lead to practical results in the arms control sphere. Non-nuclear weapon states' reactions to the substance varied, showing differences not only between but also within blocs. The clearest opposition, perhaps unsurprisingly, came from certain non-aligned states. The Nigerian delegation said that no ENDC member should 'take the view that the draft texts now before this Committee are near what can be considered adequate';⁷³ Brazil complained that 'none of the commitments for the nuclear Powers suggested by the non-nuclear nations have been taken into account';⁷⁴ and Ethiopia and India both commented that the drafts seemed to be designed primarily to serve the interests of the nuclear powers and their allies.⁷⁵ India was particularly hostile, calling the treaty 'discriminatory and ineffective'.⁷⁶ Sweden expressed disappointment that the ENDC only had a relatively short time to consider the drafts, and emphasised that significant negotiations were necessary.⁷⁷

Yet the non-aligned eight were by no means united in hostility to these first drafts. Even Ethiopia, having criticised the balance of the drafts and commented that it would have preferred a treaty dealing with disarmament, accepted that the task before the ENDC in negotiating an NPT was 'a partial measure designed to maintain the status quo', which in itself would be 'no mean achievement'.⁷⁸ Other non-aligned states, whilst clearly reserving the right to present amendments, went further. The UAR, for example, commented that the drafts contained 'several important points to their credit'; that the

⁷³ ENDC/PV.327, para.59.

⁷⁴ ENDC/PV.327, para.4.

⁷⁵ See ENDC/PV. 336. Para.43 and ENDC/PV.334 para.3, respectively.

⁷⁶ ENDC/PV.334, para.13.

⁷⁷ ENDC/PV.335, paras.2-4.

⁷⁸ ENDC/PV.336, para.38.

'mere presentation' of identical drafts by the superpowers made the ENDC's task much easier; that the US and USSR had 'given the new text greater clarity and precision [and] eliminated some of the objections that have been made to their earlier draft treaties'; and that the non-aligned states' influence had clearly been felt, in changing the attitude of the superpowers.⁷⁹ Thus, the UAR 'consider[ed] – in principle – the draft presented to be a valid basis for negotiation'.⁸⁰ Burma found 'much that is positive and constructive' in the drafts, as well as 'a conscious attempt by the authors to fulfil' the five principles of UNGA Res. 2028(XX), although the draft text did not 'fully satisfy' those requirements.⁸¹ Most positive of all was Mexico, who called the draft 'on the whole clearly satisfactory'.⁸²

With two exceptions, the superpowers' allies in the ENDC expressed either full satisfaction with the draft (in the case of most Warsaw Pact members)⁸³ or general satisfaction with some reservations (Canada).⁸⁴ The notable exception was Romania, which by this point had distanced itself from the USSR and, in line with its more independent self-image, strongly criticised the discriminatory aspects of the treaty.⁸⁵ Even Italy, although continuing on its theme of resisting inequality, recognised the superpowers' efforts to address previous complaints and announced a parliamentary decision to approve conclusion of a non-proliferation treaty with certain improvements.⁸⁶ The United States, for its part, made an explicit effort to frame the new drafts as reactions to the opinions of non-nuclear-weapon states, and particularly in reaction to the non-aligned memoranda and UNGA Resolution 2028(XX).⁸⁷

⁷⁹ ENDC/PV.333, paras.3-4

⁸⁰ ENDC/PV.333, para.5.

⁸¹ ENDC/PV.337, para.6..

⁸² ENDC/PV.331, para.3.

⁸³ See e.g. Bulgaria, ENDC/PV.328, para.3.

⁸⁴ ENDC/PV.329, para.2.

⁸⁵ ENDC/PV.334, paras.62-73.

⁸⁶ See ENDC/PV.325, para.27 and ENDC/PV. 341, para.3.

⁸⁷ ENDC/PV.330, para.4.

2.3.2 Reactions: disarmament

In one sense the debate over disarmament at this point could be reduced to a debate over the superpowers' key argument: that an explicit linkage of arms control or disarmament steps to the non-proliferation obligation was impossible. Foster, for the US, asserted that '[a]ny attempt to incorporate specific nuclear arms limitation obligations in the treaty would inevitably also inject these differences into the consideration of the treaty itself and could only jeopardize its prospects'.⁸⁸ Leaving aside the legitimacy of this argument in its own right, if it was politically impossible to include specific measures in the text of the treaty, then the non-nuclear weapon states were faced with a clear choice. Fred Mulley, speaking for the UK, phrased the choice as a question, asking those states keen to pursue disarmament 'to consider which situation would offer them the greater hope: one in which the negotiation of a non-proliferation treaty had broken down or run into the sand; or one in which the conclusion of a treaty, however limited and however imperfect, had opened the way, and pointed the way, to further effort in this field'.⁸⁹

If this method of framing the question seemed rather coercive, it was partly the product of the priority that the goal of a non-proliferation treaty had been afforded in the multilateral system. Having been recognised as the single most important task for the UN disarmament machinery, not only did the negotiations on the NPT monopolise the attention and energy of the superpowers, but the success of the negotiations became the key test of credibility for the arms control and disarmament project as a whole, thus adding to the pressure on the ENDC to produce a workable agreement in good time. The tactical utility of this pressure, as we have already seen, was ably exploited by the superpowers.

Nevertheless, there were still some states who, at least initially, were unwilling to accept that including specific measures of arms control or disarmament in the treaty

⁸⁸ ENDC/PV.325, para.24.

⁸⁹ ENDC/PV.337, para.61.

was impossible. Of these states, India was the most vocal. Vishnu C. Trivedi engaged in a lengthy defence of the concept of 'vertical' non-proliferation, opposing in particular the nuclear powers' attempt to exclude from the treaty text a cut-off in production of fissile material and nuclear weapons. This, Trivedi insisted, was an attempt 'to confuse the issue by vivisectioning the corporate body of non-proliferation, as it were, and then lumping part of that amputated portion of non-proliferation with other aspects of disarmament, such as the reduction of nuclear delivery vehicles or the reduction of stocks of nuclear weapons, and saying that it is difficult to have all these things done together, that the best is the enemy of the good, that we must not be over-ambitious, and so on...' ⁹⁰ The Romanian representative Ambassador Nicolae Ecobesco was even firmer on this point, arguing that the treaty must contain 'precise legal obligations concerning the adoption of measures to prohibit and eliminate' nuclear weapons. ⁹¹ In a similar vein, Alva Myrdal recalled Sweden's prior demand for a 'package deal' or simultaneous negotiations on non-proliferation and measures of arms control and disarmament. ⁹² The Nigerian representative Alhaji Sule Kolo affirmed that the non-nuclear-weapon states had 'the right to demand that the nuclear-weapon Powers should begin the process of nuclear disarmament', and specified a ban on underground testing and on fissile material production as the first steps, which were 'not only necessary but possible'. ⁹³

However, broadly speaking, the ground had been laid such that the idea of specific measures of arms control or disarmament being specified in the operative text of the treaty did not command much support. Instead, the centre ground coalesced around the proposal to move the statement of intent included in the preamble into the operative text of the treaty, and to strengthen its formulation. This proposal was formally introduced by Jorge Castañeda of Mexico, who not only struck an extremely

⁹⁰ ENDC/PV.327, para.73.

⁹¹ ENDC/PV.334, para.61.

⁹² ENDC/PV.325, para.20.

⁹³ ENDC/PV.327, paras.58-59.

conciliatory tone but conceded the superpowers' main point. Not only were the '[v]ery important statements of intention' in the preamble 'a considerable step forward', he stated, 'to stipulate that the non-proliferation treaty should include specific disarmament measures to be implemented by the nuclear Powers in the immediate future would be tantamount to opposing the very existence of a nonproliferation treaty'. Nevertheless, recognising the 'very limited scope of the obligations that the major Powers can assume under this treaty' was, he argued, 'reconcilable with the desire that such obligations should be formulated more clearly and precisely, without extending their scope'. In short, he concluded, 'the nuclear Powers cannot actually undertake to conclude future disarmament agreements among themselves; but they certainly can undertake to endeavour to do so; that is, they can certainly undertake to initiate and pursue negotiations in good faith in order to conclude such agreements [author's emphasis]'.⁹⁴

Such an obligation should be written into the text of the treaty:

Doubtless it would be an imperfect obligation, since it would not be accompanied by sanctions, but it would be more than a statement of intention. It would be a solemn recognition of the special responsibility of the nuclear Powers to adopt and implement a programme for the early reduction and possible elimination of nuclear weapons. We believe that this would have deep political significance.⁹⁵

Framing the issue in this way drew support from a number of quarters. For Sweden it was a 'step forward' in the direction of 'firmer reassurances' on the link between the NPT and measures of disarmament;⁹⁶ and the Ethiopian representative believed such an amendment would 'greatly improve' the draft text.⁹⁷ Hussain Khallaf speaking for the UAR acknowledged that the link in the current text between the preambular language on nuclear disarmament and the provision for a review conference was already an improvement on past superpower drafts, but similarly argued for the

⁹⁴ ENDC/PV.331, paras.18-19.

⁹⁵ ENDC/PV.331, para.19.

⁹⁶ ENDC/PV.335, para.20.

⁹⁷ ENDC/PV.336, para.46

‘declaration of intention to be made firmer, becoming a distinct provision in the treaty’, adding the UAR’s support for the Mexican proposal. This would ‘[give] nuclear disarmament from the outset a more solid and more specific base: the process will thus rest on a legal base which has the merit of reflecting the general feeling of the international community’.⁹⁸

The proposed new article, labelled Article IV-C in the new Mexican draft, read as follows:

Each nuclear-weapon State Party to this Treaty undertakes to pursue negotiations in good faith, with all speed and perseverance, to arrive at further agreements regarding the prohibition of all nuclear weapon tests, the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, the elimination from national arsenals of nuclear weapons and the means of their delivery, as well as to reach agreement on a Treaty on General and Complete Disarmament under strict and effective international control.⁹⁹

Whatever the ‘legal base’ of an obligation phrased in this way, its effect could only ever be political (as the Mexican representative had made clear), in contrast to a legally binding obligation to achieve substantive measures. Eedson Burns, for Canada, rightly asked: ‘[I]s an obligation to negotiate for a certain purpose really better than a declaration of intention to achieve that purpose? The Canadian delegation is doubtful whether it is.’¹⁰⁰ Phrased differently, an obligation to pursue negotiations might be seen as an obligation to demonstrate the sincerity of a declaration of intention – a subtle distinction to which we will return later – but nothing stronger than that.

Presumably with such concerns in mind, some countries proposed to alter the Mexican amendment to make the obligation not only to negotiate, but to achieve measures of arms control or disarmament. For instance, Ambassador Ecobesco, for Romania, observed that ‘obligations always outweigh declarations of intention, however

⁹⁸ ENDC/PV.333, paras.27-28.

⁹⁹ ENDC/196, and reproduced in ENDC/PV.331, para.21.

¹⁰⁰ ENDC/PV.336, para.9.

meritorious’,¹⁰¹ and later introduced a draft article specifying that the nuclear-weapon states ‘undertake to adopt specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery’.¹⁰² Burma introduced a rather confused proposal that if a specific arms control measure could not be included in the treaty, there should be an article in which the nuclear-weapon states assumed ‘a definite obligation to take tangible steps towards nuclear disarmament’, and that the steps should be explicitly defined to include a comprehensive-test ban, a fissile material cut-off, a halt to nuclear weapon production, a freeze on delivery vehicles, and the progressive reduction and final destruction of all stockpiles.¹⁰³

It nevertheless appeared clear that a clear majority of states, including a majority of the non-aligned states (of the eight, only India and Romania were definitively opposed), might be persuaded to go along with a provision along the lines of Mexico’s new article. Brazil, for instance, whilst repeating criticisms about the level of balance in the treaty drafts, proposed a similarly-phrased article which did not name specific measures but obliged the nuclear-weapon states to ‘negotiate at the earliest possible date a Treaty for the cessation of nuclear arms race [sic] and for the eventual reduction and elimination of their nuclear arsenals and the means of delivery of their nuclear weapons’.¹⁰⁴ That the US and USSR sensed an opportunity to deliver a concession in principle without giving up a great deal in substance was evident from their favourable reaction: Adrian Fisher (US) called it ‘clear that the purpose of the Mexican proposal is to facilitate, not to complicate, subsequent negotiations’ on disarmament;¹⁰⁵ and both the US and USSR promised to study the proposal closely. In a bilateral US-USSR meeting on 4 October, the co-chairs agreed privately that some of the Mexican amendments should be taken

¹⁰¹ ENDC/PV.334, para.71.

¹⁰² ENDC/199, Article III-A, reproduced in ENDC/PV.340, para.22.

¹⁰³ ENDC/PV.337, para.17.

¹⁰⁴ ENDC/201, Article II-A, reproduced in ENDC/PV.343, para.5.

¹⁰⁵ ENDC/PV.338, para.20.

on.¹⁰⁶ An internal Foreign Office paper records the UK's position that Mexico's suggestion represented 'constructive criticism', whereas India and others supporting the package deal were engaging in 'destructive criticism'.¹⁰⁷

2.3.3 Reactions: a conference to review the treaty; duration, withdrawal and amendment.

As had been the case even before the drafts were introduced, a great deal of emphasis was placed, by nuclear and non-nuclear powers alike, on the link between the review conference and the need for further measures of disarmament: Sweden, for instance, judged that a review conference with the purpose of assessing disarmament progress was a 'critically necessary element' in the treaty.¹⁰⁸ Two substantive proposals regarding the review conference emerged at this stage. The first came from the United Kingdom: given the existing language on arms control and disarmament in the preamble, Fred Mulley proposed that the review provision be amended such that the conference would be convened 'in order to review the operation of the Treaty with a view to assuring that the purposes of the Preamble and provisions of the Treaty are being realized [author's emphasis]'.¹⁰⁹ The proposal was praised by Ambassador Roberto Caracciolo (Italy), who argued that it would 'give a legal value to the declarations of intent contained in the preamble concerning the link to be established between this treaty and other specific disarmament measures',¹¹⁰ and he drew from text earlier proposed by Brazil linking the review conference to a new article of its own on further measures of disarmament.¹¹¹ The second proposal, little-discussed in this session of the ENDC but significant

¹⁰⁶ Memorandum of Conversation between Foster and Dobrynin, Washington, October 4 1967, in FRUS, Vol.XI, No.212.

¹⁰⁷ Foreign Office to Palliser, Memorandum: The Non-Proliferation Treaty Negotiations, 4 December 1967, UKNA, PREM 13/2441, pp.1-2.

¹⁰⁸ ENDC/PV.335, para.22.

¹⁰⁹ Proposed in ENDC/PV.337, para.52, and introduced formally in ENDC/203.

¹¹⁰ ENDC/PV.341, para.7.

¹¹¹ ENDC/201, amended Article V para.3.

nonetheless, was Romania's suggestion that the review conference not be a one-off, but rather convened periodically at intervals of five years.

As Shaker rightly notes, the questions of the treaty's duration, the ability to withdraw, and the procedure for amendment were closely linked each other and to the review process.¹¹² These were not only matters of arcane detail: they were crucial in determining the type of commitment that the non-nuclear-weapon states would be taking on. A treaty with a short duration (such as the Italian proposal of five years) would arguably have been a deliberate act of hedging: a temporary promise to remain non-nuclear with the implicit conclusion that the promise would soon be reassessed. Similarly, a loose withdrawal clause would have given states who had signed the treaty only for the sake of appearances the opportunity to withdraw on benign pretexts without reputational cost. A clause setting a low bar for the support necessary to amend the treaty would allow a permanent or long-term commitment to the treaty to be made, but with the possibility that the nature of the commitment could change. Conversely, a permanent treaty that was difficult to amend and from which states could withdraw only under circumstances of supreme national interests would be a binding and lasting commitment to remaining non-nuclear.

The choice between these extremes, moreover, would have a clear effect on the non-nuclear-weapon states' ability to exert pressure on the nuclear-weapon states to make progress on disarmament. Being able to hold the treaty's viability, or even its existence, hostage to the achievement of further measures of disarmament would have been a powerful tool. The provision for a review conference had been presented as a means to hold the nuclear powers to account – but without any provision for concrete action to be taken should it be judged that the nuclear-weapon states' efforts were inadequate, the review process would only ever amount to a tool of political pressure.

¹¹² Shaker, *The Non-Proliferation Treaty*, Vol. 2, p. 858.

Ironically, if lack of progress on disarmament were not to be specified as a reason for legitimate withdrawal, and if the treaty could not easily be amended, the pressure on the nuclear powers would largely derive from the need to persuade states outside the treaty to join it, rather than to satisfy those who had already signed.

These issues were crystallized in a mischievous proposal from Italy whose basic effect would have been to turn the NPT into a brief pledge of non-acquisition of nuclear weapons followed by a period of considerable uncertainty. Picking up a theme that had been expressed to the superpowers in private, Caracciolo declared that the provision for unlimited duration was:

...a very far reaching statement, because it is not the lot of man to pledge eternity...We all know that future generations will have to live, even on a strictly technological level, in a setting very different from the present one. To imprison them in an iron corset, which could not be adjusted to the changing conditions of history, would in our opinion expose that corset to the danger of bursting. We therefore prefer a steel corset which, being more flexible, could more effectively assure the continuation of the treaty.¹¹³

In the name of this kind of flexibility, Italy proposed to amend the treaty so that there would be an initial duration of 'X years', with the time not yet specified, and that the treaty would be thereafter 'renewed automatically for any party which shall not have given, six months before the date of expiry of the treaty, notice of its intention to cease to be party to the treaty'.¹¹⁴ Caracciolo explained that this meant the treaty would remain in force for those not opposed to it, whilst at the same time allowing those 'who are not satisfied with its operation to withdraw after a certain number of years'.¹¹⁵ Several states, however, including not only the nuclear powers but also Canada, and Brazil, restated their preference for a treaty of unlimited duration, arguing that the Italian provision would render the treaty ineffective.¹¹⁶

The ENDC session recessed on 14 December 1967, to resume in January 1968

¹¹³ ENDC/PV.341, paras.9-11. Also quoted in Shaker, *The Non-Proliferation Treaty*, Vol. II, p. 860.

¹¹⁴ ENDC/200/Rev.1.

¹¹⁵ ENDC/PV.341, para.12.

¹¹⁶ See e.g. ENDC/PV.329 and ENDC/PV.343.

after the UN General Assembly. The intervening period proved to be an opportunity for the familiar allies to make their views known. The Western nuclear powers, in particular, saw a continued danger during this period that the treaty would do serious political damage to the European alliance. The greatest problem was resentment at the imposition of IAEA safeguards, and the perceived hindrance these might be for European NPT non-nuclear-weapon states in the Euratom context. However, there was also a spill-over into the issues covered by this thesis. It was apparent that the issue of the treaty's duration was of significant political importance to West Germany and Italy, to the point of threatening the ability of either to support the NPT. Because of this, the United States had to press the USSR very hard to accept an amendment on this point, eventually gaining Soviet consent to a clause that would specify a twenty-five year initial duration and then a conference to decide for how long the treaty should be extended.

The new article on disarmament – Article VI – also arose from the nuclear powers' discussions in the ENDC's recess. Documents tracing its precise derivation are hard to find, but a version of it, supplied by the Soviet Union, can be found in a cable back from the British delegation in Geneva on 3 October,¹¹⁷ suggesting that task of inserting a version of the Mexican amendment was taken up fairly quickly following the ENDC's deliberations. Again, these moves were informed by political considerations. For example, after the closing of the ENDC session, a worried Wayland Young (later Lord Kennet) wrote to Michael Palliser, the Foreign Office private secretary at 10 Downing Street, warning that the NPT represented a potential 'banana skin' that could simultaneously irritate members of Euratom whilst failing to satisfy the states whose signature it was intended to capture, noting also that 'Willy Brandt is personally nailed

¹¹⁷ Geneva to FCO, Cable, Geneva 179, 3 October 1967, UKNA, PREM. 13/2441

to including a cessation of the arms race in the NPT'.¹¹⁸

2.4 The language emerges: the route to the final draft

On January 18 1968, the superpowers presented at the ENDC identical drafts of the NPT, including for the first time an Article III on safeguards, which had been the subject of intense bilateral negotiations, as well as discussions among the allies. The drafts also contained an addition to Article IV, on peaceful uses of nuclear energy, committing those states who were in a position to do so to assist others' development of peaceful uses, and a new Article V, committing nuclear states to make available to non-nuclear states any benefits gained from peaceful applications of nuclear explosions. These changes represented the core of the material quid pro quo contained in the Non-Proliferation Treaty. They were the only areas in which tangible concessions, involving specific undertakings, were made in return for the non-nuclear-weapon states' sacrifice.

However, the drafts also contained new language related to the disarmament aspects of the treaty, incorporating some of the proposals outlined above. Most notably, the language included an Article VI, the first mention of disarmament within the body of the treaty. The compensatory package in this version of the treaty stood as follows:

[Preambular paragraphs on disarmament: unchanged from 24 August 1967 draft]

...

Article VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

...

Article VIII

[provision on treaty review unchanged from 24 August 1967 draft]

...

Article X

1. [provision on withdrawal unchanged from 24 August 1967 draft: previously Article VII]

¹¹⁸ Young to Palliser, Memorandum, 17 November 1967, UKNA, PREM 13/2441, p.2, para.7.

2. Twenty-five years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

In a memorandum to Rostow giving background to the new draft, Spurgeon Keeny said simply of Article VI, 'This hortatory article looking to further disarmament measures incorporates material that previously appeared only in the preamble'.¹¹⁹ However, a cable briefing all diplomatic posts on how to describe the new draft to host governments also noted that 'Negotiations on the cessation of the nuclear arms race can proceed independently and need not be included within the framework of a treaty on general and complete disarmament' – a statement with some significance, as will be explored below.¹²⁰

2.4.1 Reactions to the new draft: acceptability

The changes visible in this draft were met with cautious approval. The Swedish, Brazilian, and Nigerian representatives described the new text as a better basis for negotiation,¹²¹ and Ambassador Khallaf, for the UAR, noted within the ENDC a 'fairly close similarity of views on several points of primary importance',¹²² although these delegations and others noted the need for further discussion on certain points. India was alone in insisting that the draft did not meet the 'basic requirements' of the ENDC's negotiating mandate; other delegations seemed to agree, at least to an extent, with the assessment of Canada and the UAR that some previous criticisms of the treaty had been taken into account. And, outside of the ENDC, the West German press was reporting that FRG Chancellor Kiesinger had said the draft was an improvement, and claimed

¹¹⁹ Keeny to Rostow, Memorandum: Background on the Revised Non-Proliferation Treaty, 18 January 1968, LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26 Vol 2 No 94, p. 1.

¹²⁰ State to all African, American republic, all East Asian and Pacific, all Near Eastern and South Asian posts [etc.], Cable: Aide memoire on January 18, 1968 draft NPT, dated 18 January 1968, State 102128, LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26 Vol 2 No 33.

¹²¹ See ENDC/PV.363, para.5; ENDC/PV.363, para.38; and ENDC/PV.371, para.4, respectively.

¹²² ENDC/PV.367, para.4.

credit for the changes as being the result of 'intensive talks between Bonn and Washington'. Brandt, too, told a meeting of the conservative Bundestag caucus that improvements had been made on points vital to the FRG, including disarmament.¹²³

The crucial change in this iteration of the text was the insertion of Article III on safeguards (previously left blank), and much of the debate to follow in this session would focus on the implications of this article. However, as had been the case in the previous session, considerable time was devoted to the question of including disarmament commitments in the treaty, and the associated question of the treaty's review process and duration.

2.4.2 Reactions to the new draft: Article VI

The nuclear-weapon states framed the new Article VI in much the same terms as had been used by Mexico in introducing the first draft. As William Foster told the ENDC, 'Although the nuclear Powers cannot actually undertake to conclude particular future disarmament agreements among themselves at this stage, they can undertake to initiate and pursue negotiations in good faith in order to conclude such agreements. That is essentially the content which has been given to the obligation which we are recommending be incorporated into the body of the treaty.'¹²⁴ Foster added a crucial interpretation of the new article – namely, that it '[did] not make the negotiation of [nuclear disarmament] measures conditional upon their inclusion within the framework of a treaty on general and complete disarmament'.¹²⁵ The obligation to conduct nuclear disarmament negotiations, observed Roshchin for the USSR, had 'for the first time been placed on a definite legal basis'.¹²⁶ Speaking for the UK, Fred Mulley called Article VI 'certainly the most important by-product of the treaty and one of its most important

¹²³ Reported in Bonn to State, Cable: NPT: Kiesinger and Brandt statements, Bonn 7559, NSF, Subject File – Non- Proliferation Treaty, Box 26, Vol.2, No.17, pp.1-2.

¹²⁴ ENDC/PV.357, para.65.

¹²⁵ ENDC/PV.357, para.66.

¹²⁶ ENDC/PV.361, para.8.

provisions', on the basis that 'if it is fair to describe the danger of proliferation as an obstacle to disarmament, it is equally fair to say that without some progress in disarmament the non-proliferation treaty will not last.'¹²⁷

In the following weeks, it became relatively clear that, although an article along these lines was not precisely to the liking of many non-nuclear-weapon states, the basic principle behind Article VI (a commitment to negotiate, rather than to conclude specific agreements) would most likely prove adequate as the basis for compromise. Rather than insisting on the inclusion of specific disarmament steps (or a commitment to achieve concrete steps), a number of states now took the approach of noting their exclusion as a matter for regret, but arguing instead for alterations to the existing text of Article VI to strengthen the political commitment to disarmament contained therein. In a similar vein, the UAR told the UK privately that although it was not satisfied with Article VI, rather than amending it the best course would be to propose stronger language for inclusion in the eventual UNGA resolution endorsing the treaty and making recommendations to the ENDC for its next phase of work.¹²⁸ It should still be noted, however, that India and Romania were exceptions to this approach: Ambassador Husain, succeeding Trivedi as the Indian representative, argued that the view of the NPT as a first step towards nuclear disarmament was not supported by the relevant portions of the preamble nor by the new Article VI;¹²⁹ and Ambassador Ecobesco, for Romania, asked how the superpowers could justify the absence of a 'firm legal obligation... to undertake specific measures of disarmament'.¹³⁰

These objections notwithstanding, the bulk of debate on the disarmament issue now focused on alterations to the text of Article VI to strengthen its political significance – and, in particular, on amendments proposed by Alva Myrdal of Sweden.

¹²⁷ ENDC/PV.358, para.23.

¹²⁸ Cairo to FCO, Cable, Cairo 140, 11 February 1968, UKNA, PREM 13/2442, para.4.

¹²⁹ ENDC/PV.370, para.23.

¹³⁰ ENDC/PV.362, para.5.

Myrdal noted, firstly, that when compared to the original Mexican text the current Article VI lacked points of definition: the reference to the pursuit of negotiations 'with all speed and perseverance'; the statement that the eventual goal of the negotiations would be 'to arrive at further agreements'; and the specific reference to prohibiting all nuclear tests as one such agreement.¹³¹ However, although Myrdal reiterated the Swedish government's preference for a text which specified disarmament measures, she conceded that it would 'hardly be feasible in legal terms to enter into obligations to arrive at agreements', and that 'to enumerate some specific measures would be counterproductive'.¹³² This was a significant change in approach from an influential non-nuclear state which, it should be remembered, had previously been tied to the concept of a 'package deal' linking non-proliferation and disarmament.

With these concessions made, then, Myrdal said that Sweden would limit its suggestions on Article VI to two, 'both being of such a nature that they are not expected to create any difficulties in regard to the substance.' The amendments in question involved inserting the words 'at an early date' after 'cessation of the arms race', and inserting the word 'nuclear' before 'disarmament'. As a means of preserving Sweden's main priority among possible future measures, Myrdal proposed including a specific reference to the goal of a comprehensive test-ban in the NPT's preamble.¹³³

Myrdal's proposals proved decisive in defining the scope of efforts by the non-nuclear-weapon states, including six of the non-aligned, to strengthen the NPT's disarmament component. The Swedish amendments drew explicit statements of support from Mexico,¹³⁴ the UAR,¹³⁵ and Nigeria,¹³⁶ as well as the United Kingdom¹³⁷ and

¹³¹ ENDC/PV.363, para.10.

¹³² ENDC/PV.363, para.11.

¹³³ ENDC/PV.363, paras.12-13.

¹³⁴ ENDC/PV.365, para.11.

¹³⁵ ENDC/PV.367, para.36.

¹³⁶ ENDC/PV.371, para.16.

¹³⁷ ENDC/PV.369, para.27.

Canada,¹³⁸ and were consistent with complaints from Brazil and Ethiopia about the watering down of the Mexican language proposed in the previous session. The only further amendment to the language of Article VI was offered by the United Kingdom, seemingly intended to add clarity to the Swedish proposal, specifying negotiations on effective measures 'relating to' cessation of the arms race and to nuclear disarmament.¹³⁹

Now although, as explored below, there was a great deal of additional debate about the conceptual relationship between non-proliferation and disarmament, these exchanges on the Swedish proposals were the full extent of discussions about specific obligations to be contained in the treaty. By this point, in other words, the debate was centred on finding language that would make credible the non-specific political commitment embodied in Article VI – rather than on the question of replacing Article VI with a commitment to achieving specific measures of disarmament.

The US apparently did not consider the Swedish amendment to pose any great threat: one UK document records that in ACDA's view, the amendment was 'harmless and indeed, by focussing attention on nuclear disarmament, reasonable'.¹⁴⁰

2.4.3 Reactions to the new draft: the review process

If the commitment to disarmament in the NPT was to be political, then, it followed that there would need to be an outlet for political discussion about the context in which the treaty would be operating, and about the implementation of its provisions. The provision to hold a review conference, in other words, became increasingly important in the eyes of those states preoccupied with nuclear disarmament – and, as the negotiations progressed, it became clear that an increasing number of states agreed on the need for the treaty review to be an ongoing process rather than a one-off event.

¹³⁸ ENDC/PV.371, para.57.

¹³⁹ ENDC/PV.369, para.27.

¹⁴⁰ Washington to FCO, Cable, Washington 533, 9 February 1968, UKNA, PREM 13/2442.

The two main proposals discussed in this context in the previous ENDC session, therefore, now attracted greater support: namely, to make an explicit link between the review and the treaty's purposes and preamble (previously proposed by the UK), and, more importantly, to hold review conferences every five years. The UK formally reintroduced its amendment, noting that it had gained support in the previous session,¹⁴¹ while Sweden, Ethiopia, Mexico, the UAR and Italy added their names to the list of states advocating for periodic reviews.¹⁴² The importance attached to both proposals seemed to register with the superpowers, who towards the end of the ENDC session noted that they were among the topics being discussed bilaterally.

For a number of reasons – foremost among them being the limited time on offer and an apparent desire not to derail the negotiations over what seemed to be arcane details – the answer to one crucial question regarding the review process was never agreed. That question was posed by Alva Myrdal: 'what action is supposed to follow if the verdict of a review turns out to be “unsatisfactory”?' Her own answer to this question was that 'if it is manifest at a review conference that the intentions of the treaty to achieve cessation of the nuclear arms race and to obtain nuclear disarmament have in reality been blatantly disregarded, parties to the treaty may come to regard this as an extraordinary event jeopardizing their own supreme interests',¹⁴³ thus constituting grounds for withdrawal. In the previous session of the ENDC proposals had been introduced to specify non-progress on disarmament as grounds for withdrawal, in this way formally linking the review process and the withdrawal clause. However, these were not incorporated into the superpowers' second draft, and were not pushed in this session.

In a later intervention, Myrdal insisted, seemingly in vain, that the ENDC should

¹⁴¹ ENDC/PV.358, para 26.

¹⁴² See ENDC/PV.363, para 15; ENDC/PV.364, para.51; ENDC/PV.365, para.12; ENDC/PV/367, para.39 and para.59, respectively.

¹⁴³ ENDC/PV.363, para.15.

generate a 'politically and procedurally correct basis of interpretation of the expression of misgiving, so frequently voiced, that 'the treaty may not last' if there is no definite turn of the tide in regard to the nuclear armament race'.¹⁴⁴ Yet no further efforts were made to generate such an interpretation. In fact, there was no clear agreement at this stage on what shape the practical output of a review conference meeting might take. The Nigerian representative observed that 'for the review conference to serve any purpose, [it] must have the facility to express the collective view of the majority of the signatories on the application of the treaty,' and proposed an amendment to Article VIII specifying that the conference would adopt a document of its findings by majority vote.

2.4.4 Reactions to the new draft: duration, amendment and withdrawal

Relatively little time during this session was spent debating the issues of the treaty's duration and the procedures for amendment or withdrawal. The change to specify an initial duration of 25 years met with broad approval; some states who had previously argued for a treaty of indefinite duration reiterated that preference, but accepted the change as a compromise reflecting the views of several non-nuclear-weapon states.¹⁴⁵ Italy reiterated its proposal for language to allow states the right to withdraw at the end of the initial period (now specified as 25 years),¹⁴⁶ but gained no statements of support from other states, and opposition from Canada.¹⁴⁷ Burns, the Canadian representative, also argued (in vain) that the renewal period after the initial duration should be set at 25 years – an issue that drew little comment at the time, but which, as we shall see, proved important at the Review and Extension Conference in 1995.

¹⁴⁴ ENDC/PV.373, para.23.

¹⁴⁵ See e.g. the UK, ENDC/PV.358 para.31 and the UAR, ENDC/PV.367, para.42.

¹⁴⁶ ENDC/PV.367, para.60.

¹⁴⁷ ENDC/PV.371, para.66.

2.4.5 The final draft

A final, joint US-Soviet version of the treaty was submitted to the ENDC on 11 March 1968. The disarmament-related compensatory package now stood as follows:

[Preambular paragraphs on disarmament as per 24 August 1967 and 18 January 1968 drafts, with the following addition:]

Recalling the determination expressed by the Parties to the partial test ban treaty of 1963 in its preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

[...]

Article VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

[...]

Article VIII

[...]

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

[...]

[Article X provisions on withdrawal and duration unchanged from 18 March 1968 drafts]

This text, which proved (except for very minor amendments) to be the version eventually opened for signature, incorporated the Swedish and British amendments to Article VI, Article VIII (on the review process), and the preamble. In the final meeting before the treaty's submission to the UN General Assembly, only Romania made substantive proposals, again reiterating its preference for specific disarmament obligations to be included in the treaty text.

Although it commanded general support amongst all but two members, India and Romania, the idea that this text would be the final version of the NPT was by no means agreed at the end of the ENDC's negotiations. Rather, the prevailing theme in

many ENDC members' comments on the final draft was that they had further comments to make, but that these would be reserved for the UN General Assembly's discussions, for which this text would provide a sound basis. As a number of states had noted during the ENDC's deliberations, the committee had had relatively little time to consider the treaty text and were now being pressed to submit a draft to the UNGA for fear of allowing the window for a successful treaty to close.

2.4.6 Analysing Article VI: the relationship between non-proliferation and disarmament

It bears repeating that Article VI was considered a highly significant element of the treaty by non-nuclear- and nuclear-weapon states alike, and was important in getting the ENDC's consent to forward the draft to the UN General Assembly. The demand for a specific article dealing with disarmament, however phrased, was made by almost all non-nuclear-weapon states and supported with relatively little resistance by the nuclear-weapon states. Its significance derived in large part from political considerations, as has been explained at length in this chapter, but in conceptual terms its significance derived from two propositions about the relationship between non-proliferation and disarmament.

The first of these propositions was that the treaty was 'not an end in itself' – a phrase used frequently during the negotiations, by both nuclear- and non-nuclear-weapon states.¹⁴⁸ The proposition bears closer scrutiny, for in one sense it seems little more than a platitude, and a misleading one at that – for of course the simple aim of halting the nuclear spread had long been recognised as an end worth pursuing, and, per the Irish Resolution, worth pursuing in its own right. Yet this phrase points to a key principle expressed explicitly and implicitly during the treaty negotiations: namely, that

¹⁴⁸ E.g. United Kingdom (ENDC/PV.326, para.54); USSR (ENDC/PV.325, para.43); Burma (ENDC/PV.337, para.15), Ethiopia (ENDC/PV.323, para.13).

the world order that a non-proliferation treaty would produce should not be made permanent. Most of all, the division of the world into nuclear- and non-nuclear-weapon states should not last for ever. The non-nuclear-weapon states inside and outside the NPT showed no willingness to accept that such a division could be made permanent in law. According to Ethiopia, for example, no 'treaty that has for its goal the perpetuation of [the] existing nuclear power structure and the creation of nuclear monopoly can truly be called a non-proliferation treaty, even in its limited sense'.¹⁴⁹ Part of the rationale behind Article VI, then, was that the pursuit of negotiations in good faith on disarmament was an acknowledgement that the NPT did not endow the nuclear-weapon states with an indefinite right to the exclusive possession of nuclear arms. This was part of the rationale behind Article X (duration), too: a limited duration, even one of several decades, would make clear that the division of the world into two legal categories of states would not be permanent.

The second proposition was that the NPT formed only one part of a broader process, with the overall goal of advancing nuclear disarmament. The endpoint of that process was not explicitly defined, as will be explored below; nor was there a specific order in which steps should be taken, although some measures were accorded higher priority by some states than others; nor, indeed, was there a clear picture of how different measures would relate to each other. But the negotiating record of the NPT is littered with references to the notion that the treaty was merely one of many steps to be taken, from the nuclear powers, from non-aligned states, and from allied non-nuclear-weapons states. To take a few representative examples: Alva Myrdal reacted to the first draft text by insisting that the NPT 'has to be seen as a part, and only a part, of an integrated whole of partial disarmament measures in the field of nuclear arms';¹⁵⁰ Burns, the Canadian representative, interpreted the treaty's preambular provisions on

¹⁴⁹ ENDC/PV.336, para.40.

¹⁵⁰ ENDC/PV.327, para.9.

disarmament as 'an assurance that the non-proliferation treaty will be a step in a continuing process';¹⁵¹ Roshchin said the significance of the NPT was 'precisely that it is in itself an important step in the series of measures in the field of nuclear disarmament';¹⁵² and Foster, in his concluding comments at the ENDC's final session on the NPT, said that 'there has been at least one theme on which all have been agreed. The non-proliferation treaty should be a step towards achieving further measures of nuclear disarmament and, indeed, a step towards our ultimate goal of general disarmament.'¹⁵³

The continuing validity of these two propositions was to be ensured by the provision to hold review conferences. As originally conceived, in fact, this was the primary (though not the only) function of the review process, a point which, as Shaker notes, was constantly reiterated to the non-nuclear-weapon states in the ENDC.¹⁵⁴ By implication, therefore, it meant that the nuclear-weapon states would from now on be expected to demonstrate both that their possession of nuclear weapons was not intended to be indefinite, and that nuclear weapons should be subject, in the long term, to international regulation.

The debate over Article VI allowed for the definition of common aspirations on which the treaty was to be based. But the core reality of the treaty was that, for a decisive number of states, those aspirations were not worth sacrificing the mutual security benefit that an NPT would provide. The relationship between non-proliferation and disarmament, therefore, was subject neither to conditionality nor to redress. The validity of the non-proliferation commitment was not made formally conditional on the achievement of further disarmament steps; and the lack of such steps was not explicitly defined as a condition either for the treaty's expiry or for states' withdrawal.

It is only in this limited sense, therefore, that Christopher Ford's argument that

¹⁵¹ ENDC/PV.329, para.4.

¹⁵² ENDC/PV.361, para.7.

¹⁵³ ENDC/PV.376, para.37.

¹⁵⁴ Shaker, *The Non-Proliferation Treaty*, Vol. 2, p. 578.

there was '[n]o "linkage" between non-proliferation and disarmament'¹⁵⁵ can be upheld. Ford is right to argue that the way in which the 'package deal' was removed from the treaty suggests that the non-proliferation obligation would not be conditional on the achievement of disarmament steps, and that failure to achieve such steps would not constitute non-compliance. But this chapter has intended to demonstrate that the significance of Article VI to the linkage between non-proliferation and disarmament was a much broader concept, and is not disproven by the defeat of the non-aligned states' most ambitious goals.

A more difficult question to judge is whether the political role of disarmament in the NPT negotiations indicated a common project towards an 'enlightened' nuclear order, as argued by William Walker.¹⁵⁶ Here, the conclusions suggested by this chapter are mixed. On the one hand, the frequent references to the NPT forming one part of a broader process suggest the existence, in some sense, common project to transform the way in which the nuclear question was managed. Moreover, if it is clear, as this chapter suggests, that the NPT was specifically designed in such a way as to avoid legitimising the indefinite possession of nuclear weapons by the contemporary NWS, then a logical corollary is that if the treaty implied any form of nuclear order, it was one based on disarmament. However, as the next section will demonstrate, there remained some ambiguity about the exact nature of the end-point of the activities imagined in connection with Article VI, and by extension, about what exactly an ideal nuclear order would look like.

¹⁵⁵ Ford, 'Debating Disarmament', p. 405.

¹⁵⁶ Most recently expressed in Walker, *A Perpetual Menace*, pp. 72-85.

2.4.7 The relationship between nuclear disarmament and general and complete disarmament

The ENDC's deliberations on nuclear disarmament's role in the NPT settlement took place at the height of the Vietnam War, and at what seemed like the beginning of an intense and possibly multi-polar arms race. Superpower collaboration on a substantive treaty, even a limited one, was remarkable to the members of the ENDC precisely because the contrast it offered to the prevailing direction of world affairs was so stark. In this climate, it is not surprising that the end goal of the disarmament process was not discussed in great detail. Nevertheless, one concrete result of the non-nuclear-weapon states' pressure on the disarmament issue was to secure the adjustment of Article VI in a way that made a significant statement of what the end goal might be.

Now, on the one hand, the preambular paragraphs on disarmament specified that the elimination of nuclear weapons and their means of delivery were to be pursued 'pursuant to a Treaty on general and complete disarmament under strict and effective international control.' On the other hand, the phrasing of Article VI, and particularly its comma, implies that cessation of the arms race at an early date, nuclear disarmament, and general and complete disarmament are three equal objectives, and that negotiations on effective measures should be pursued in good faith on relating to each of them, in parallel. On the face of it, this does not exclude the possibility that an agreement on total nuclear disarmament could be achieved before, or in the absence of, an agreement on general and complete disarmament.

This distinction would remain largely academic for at least the next thirty years. But it was noticed at the time by the Foreign Office. As a cable to the UK delegation in Geneva put it:

[T]he insertion of the word 'nuclear' as suggested by the Swedes...could be read as endorsing the concept of total nuclear disarmament in advance of general and complete disarmament. In the past we and the Americans have always resisted such an implication. On the other hand, if the earlier reference to 'effective measures' relates also to the passage on nuclear disarmament, then it could be

argued that this must mean partial measures, thus leaving total disarmament, nuclear or conventional, to the third passage on general and complete disarmament.¹⁵⁷

The UK's amendment to rephrase Article VI to specify 'effective measures relating to' both cessation of the nuclear arms race and nuclear disarmament, therefore, was intended to preserve the position that the achievement of total nuclear disarmament would have to be part of a treaty on general and complete disarmament. There is little evidence in the ENDC records, however, that this fine distinction was clearly recognised by other member states. Indeed, ACDA's first reaction was to oppose the amendment on the grounds that it 'might be regarded as an obscure manoeuvre by the nuclear powers on this sensitive subject', and that the Swedish language was in any case 'not in their view really ambiguous'.¹⁵⁸ Nevertheless the British proceeded, and the amendment was accepted with little comment, leaving an area of ambiguity, albeit one that would not become salient for decades. This being the case, it can be concluded that Krause is right to raise doubts about the extent to which the participants in the NPT negotiations were constructing a 'broad accord towards an international nuclear order, in which everyone involved was fully aware of the final destination'.¹⁵⁹

2.5 Conclusion

The bargain between non-proliferation and disarmament struck in the text of the NPT was complex and constrained, and was rooted as much in the politics of the Western alliance as in the rhetoric of the Non-Aligned Movement. This chapter has demonstrated that Article VI embodied two pragmatic realisations: firstly, that a non-proliferation commitment could not be made contingent on the negotiation of specific disarmament

¹⁵⁷ FCO to Geneva, Cable, FCO 77, 16 February 1968, UKNA, PREM 13/2442.

¹⁵⁸ Recorded in Geneva to FCO, Cable, Geneva 38, 20 February 1968, UKNA, PREM. 13/2442, para.2.

¹⁵⁹ Krause, 'Enlightenment and Nuclear Order', p. 488. At the same time, however, this chapter has demonstrated that some of the 'unanswered questions' he cites in opposition to the idea of the NPT outlining a settled nuclear order were, indeed, settled during the course of the negotiations.

measures; but, secondly, that if non-proliferation was to be codified in a multilateral instrument, it had to be done in a way which set that instrument in the broader context of a process of arms control and disarmament. These two concepts are equally important in understanding the significance of Article VI.

Mlada Bukovansky and others have argued that the NPT 'can be viewed as steering a path between the alternative nuclear worlds that could be imagined at either of the two extreme poles of sovereign equality and material inequality'.¹⁶⁰ Sovereign equality, according to this reading, would have implied a world in which either all states or no states had the right to possess nuclear weapons; and material inequality would have meant a battle to maintain the mid-1960s status quo of selective nuclear possession through technological denial and the use of force.¹⁶¹ This is a useful framework through which to interpret the negotiation of the NPT as a whole, and of Article VI and its associated clauses in particular – and the evidence presented here supports the interpretation of Bukovansky et al. However, it suggests grounds to differ with their assessment of the precise nature of the compromise.

The NPT was tailored to allow potential non-nuclear signatories – that is, states for whom the threat of widespread proliferation outweighed the case for a overt national nuclear weapons programme – to accept the codification of a state of material inequality whilst avoiding as far as possible, for reasons of national self-image, the impression that it was inconsistent with sovereign equality. This was done in part by making explicit statements of sovereign equality where it was possible to do so (such as in the 'inalienable right' to peaceful nuclear energy); and in part by material compensation (an obligation to provide assistance in civil nuclear energy, the US and UK's voluntary offer to place their civilian nuclear facilities under safeguards, and the provision of security

¹⁶⁰ Mlada Bukovansky et al., *Special Responsibilities: Global Problems and American Power* (Cambridge: Cambridge University Press, 2012), p. 83.

¹⁶¹ Bukovansky et al, *Special Responsibilities*, pp. 83-84.

assurances in parallel to the treaty). Yet, at the same time, the treaty did not seek directly to remedy the material inequality of nuclear possession by mandating nuclear disarmament. Instead, this approach involved describing the treaty as a measure in the eventual direction of a state of sovereign equality, i.e. total nuclear disarmament.

This, then, was the essence of what Anne Harrington de Santana has called the 'incredible pledge to disarm'.¹⁶² Article VI represented a statement that the principle of sovereign equality had to be respected – not simply, as is often assumed, because that principle had been enshrined in the decisions of multilateral diplomacy, nor because the goal of disarmament itself was necessarily of such great importance to potential signatories (after all, many of them were willing to prioritise a non-proliferation agreement above insisting on practical disarmament steps), but rather because to do otherwise was to place impossible political demands on the non-nuclear-weapon states. The broader compensatory package in which Article VI was located, including the review process and the treaty's limited initial duration, made clear that the treaty could only be accepted if it was presented as the first of many measures of arms control and disarmament rooted in the principle of sovereign equality.

The contribution of this chapter, therefore, is to demonstrate that the two seemingly opposing views in the existing literature on Article VI are not contradictory, but are instead describing different aspects of the compromise embedded in the NPT. This chapter can also help to correct misperceptions of the original NPT 'bargain' that have grown from the politics of the treaty's evolution. In particular, it is incorrect to assert, as those on both sides of the Article VI debate have done, that the debate over disarmament was a simple split between the superpowers and the non-aligned states in the ENDC.¹⁶³ On the one hand, it is clear that there was a wide variety of positions

¹⁶² See Anne Harrington de Santana, 'The Strategy of Non-proliferation: Maintaining the Credibility of an Incredible Pledge to Disarm', *Millennium Journal of International Studies* 40:1 (2011), pp.3-19.

¹⁶³ See in particular the dichotomy outlined in Shaker, *The Non-Proliferation Treaty*, Vol.II, pp.566-571.

within the non-aligned eight, many of whom were willing to accept the absence of concrete disarmament commitments for the sake of producing a viable treaty. At the same time, however, the superpowers, and particularly the United States, had already been predisposed to include a political statement of intent on disarmament similar to Article VI by the lobbying of those states which had been consulted on the text of the NPT in advance. The reaction of US allies, West Germany foremost among them, demonstrates that disarmament was not simply a non-aligned concern, and that the package of compensation offered in order to manage the treaty politically (Article VI, plus a limited initial duration of 25 years and a review process) was taken seriously. It is therefore also a misreading of the ENDC records to assert in simple terms that the superpowers did not give up much' in order to achieve an NPT.

At the same time, however, it is clear that no agreement was reached in the NPT negotiations about the true basis of a nuclear order. Instead, Article VI represented an uneasy compromise between two different sets of assumptions about nuclear weapons. The NPT was, fundamentally, a work of arms control, not disarmament: it accepted the existence of nuclear weapons, and sought to reduce the danger inherent in that fact. For the nuclear powers, and for their allies, the basic role of nuclear deterrence in the structure of international security remained undisturbed. Indeed, in seeking to reassure West Germany and Japan, the United States had gone to some lengths to strengthen existing guarantees; and the attempt to provide security assurances was a recognition that forswearing nuclear weapons meant sacrificing one important option for states' self-defence.

The measures most prominently discussed in connection with Article VI, however, were advocated by non-nuclear-weapon states because, if implemented, they would signal a desire by the nuclear powers to abandon this view of nuclear weapons, and to move to a world in which nuclear deterrence had no value. The combination of

Article VI, the review conference, and the limited initial duration of the treaty would allow non-nuclear-weapon states to continue to make the case for such a world, and to use the NPT to gain some leverage in lobbying the nuclear powers along those lines. Article VI was drafted in a way that made sure this leverage was political, rather than legal or material, but it did not resolve this basic conflict of worldviews. Thus it was that Article VI could simultaneously be described as merely 'hortatory', by Spurgeon Keeny, and yet also as 'the most important by-product of the treaty and one of its most important provisions', by Fred Mulley. As the following chapters will demonstrate, moreover, Article VI would become in many ways the central topic in political discussion about the NPT in the years to follow.

**Chapter Three: “The Orneriness of Human Beings”:
The NPT and the realities of nuclear politics,
1968-1974**

3.1 Introduction

If Article VI of the NPT was in some sense the meeting point between two different ideas of the nuclear order, the months and years following agreement on a treaty text in the ENDC saw the balance tip almost immediately away from the more expansive, disarmament-based idea and towards the limited version, based on a narrow definition of arms control. The notion that the NPT would be the first step in a comprehensive disarmament effort, and that the treaty would be followed by several measures of arms control and disarmament, was disproved both by events and by the attitude of the nuclear powers. Not only did the measures enumerated in non-nuclear-weapon states' demands – a comprehensive test ban, a cut-off of fissile material production, a halt to the development and deployment of nuclear weapons, and arms reductions in pursuit of elimination – seem to have little chance of taking place, there was essentially no recognition by the superpowers that they were bound to pursue such measures in order to make the NPT acceptable. In other words, there was simply no recognition of a duty or a need to implement an NPT 'bargain' between non-proliferation and disarmament.

Yet, at the same time, a political language developed around the NPT which began to recognise its disarmament component as being of equal weight to its provisions on non-proliferation and peaceful uses of nuclear energy: a pre-cursor to today's 'three pillars'. And just as the treaty negotiations had been made viable by conceding the political importance of an overall disarmament objective, the nuclear powers were willing to adopt this language in order to improve the atmosphere in which the treaty would be considered by non-nuclear-weapon states. Indeed, the treaty was relatively swiftly followed by measures of bilateral superpower arms control – in the agreements of the Strategic Arms Limitation Talks (SALT) and the Anti-Ballistic

Missile (ABM) treaty – which were presented, in part, as a response to Article VI.

Thus it was that the dynamics which would characterise the NPT's operation for the next 45 years were established. The NPT would not be the basis for a strategic trade-off between non-proliferation and disarmament. The superpowers did not value non-proliferation highly enough to offer serious changes in their nuclear postures as an inducement for non-nuclear states to sign the NPT, or for signatories to adhere to the treaty. On the other hand, partly inspired by the NPT, they were willing to frame their behaviour in the language of nuclear restraint, and to present (self-serving) measures of arms control as a response to the Article VI obligation. And, crucially, this was more or less enough to placate a large number of non-nuclear-weapon states, for whom the demand for disarmament was a matter of politics, rather than a strategic necessity. For these states, the imperfect reality of a non-proliferation treaty accompanied by modest superpower restraint was worth preserving, even if it meant abandoning in practice the pursuit of full nuclear disarmament, as long as this imperfect reality was still framed in principle as leading to that ultimate goal.

The manner in which that pattern was established is the subject of this chapter, which is divided into four sections. Firstly, it explains how the depositary powers muscled the text of the NPT through the UN General Assembly, opened the treaty for signature, and rebuffed efforts to establish the Conference of Non-Nuclear Weapon States (NNC), on the one hand permitting no amendments and offering little beyond the text to potential signatories, yet at the same time emphasising the importance of Article VI to the future of the treaty. Secondly, it gives an account of the difficulties of the nuclear powers in ratifying the treaty, particularly the United States, giving not only the impression that the NPT's prospects were relatively dim, but also that the likelihood of a sustained effort towards disarmament was low. Thirdly, it explores what kind of follow-on measures of arms control emerged in the post-NPT environment and how they were

framed. Finally, it gives a sense of the gloomy atmosphere on the eve of the first Review Conference in 1975, setting the stage for the dynamics of the next forty years of NPT diplomacy.

3.2 The NPT at the United Nations

3.2.1 The General Assembly vote

The negotiations in the ENDC had produced a text that, without fully (or in some cases even partially) satisfying many crucial non-nuclear states, appeared to include most of the ingredients necessary to satisfy the UNGA's original negotiating mandate. It was clearly the product of a rare degree of superpower cooperation, and held the potential to become the most significant work of arms control at least since the Partial Test Ban Treaty, and perhaps since the dawn of the nuclear age. The NPT text thus had substantial momentum behind it once it was submitted to the UNGA for approval. Yet, consideration of the treaty by a much wider range of states than the members of the ENDC carried with it the possibility of another, more expansive negotiating process. Indeed, as was noted in the previous chapter, several ENDC members had stated their expectation that the treaty would be further amended in the General Assembly.

It was far from certain, then, that the version of the treaty that had emerged from the ENDC would stand as the final text opened for signature. The fact that it did is testament to a concerted effort by the superpowers to manage the diplomatic process, and to limit the opportunities available to countries either to block the treaty or to negotiate amendments. One part of this effort, at least, was designed to smooth the treaty's passage by responding to non-nuclear states' criticisms. This was the presentation of a UN Security Council Resolution – already discussed in the ENDC – promising UNSC action in the event of use or threat of use of nuclear weapons and welcoming parallel statements on security assurances from the United States, USSR and

United Kingdom. A constant theme throughout the ENDC negotiations, these assurances were offered as partial compensation for sacrificing the right to national nuclear forces.

Yet even this compensation was partial, at best. It had been made clear internally – although not, at this stage, admitted openly¹ – that this assurance contained almost no substance. ACDA Director William Foster had told President Johnson at a meeting of the National Security Council in March that the assurance ‘did not constitute a new commitment for the United States but rather gave promise of action by reaffirming [its] existing commitments under the UN Charter’.² In a meeting with Soviet Deputy Foreign Minister Kuznetsov in May 1968 Secretary Rusk explained, in blunt terms, why the US would not go further: firstly, the US was not prepared ‘to enter into any additional commitments of alliance in order to give security assurances relating to the NPT. We have enough allies as it is’; and, secondly, the US was ‘not ready to entertain the prospect of a possible war with the Soviet Union in order to get the NPT’.³

After more than four years of internal debate, in other words, the US had settled on the position that the risks involved in extending its nuclear umbrella to non-nuclear states outside of existing alliances were not worth the potential benefits in persuading them to sign the NPT. A proposal for a limited no-first-use statement from the United States – the other concession often requested by the non-nuclears – was given strong consideration, and even enjoyed the support of Secretary Rusk, but was never implemented, due to renewed opposition from the Joint Chiefs of Staff on the grounds that it would unnecessarily reduce military flexibility.⁴ The US did sign a protocol to the

¹ The first public acknowledgment of this fact, as far as the author is aware, came during officials’ testimony at the Senate Foreign Relations Committee hearings on the NPT – a very different audience from the non-nuclear-weapon states at the UN General Assembly.

² Memorandum for the Record of the 584th Meeting of the National Security Council, FRUS, Vol. XI, No. 229, 27 March 1968.

³ Memorandum of Conversation, ‘Non-Proliferation Treaty’, FRUS, Vol. XI, No. 239, 17 May 1968.

⁴ See George Bunn, ‘The Legal Status of U.S. Negative Security Assurances to Non-Nuclear-Weapon States’, *The Nonproliferation Review* (Spring/Summer 1997), p. 4, and Rostow to Johnson,

newly-negotiated Treaty of Tlatelolco on no-first-use of nuclear weapons, but added an ‘understanding’ that significantly weakened the commitment by creating an exception for situations in which the relevant party was ‘assisted by a nuclear-weapon state’.⁵

Thus, despite an early recognition (as discussed in Chapter One) that security assurances, negative and positive, would be a central part of the logic of any compensatory package offered to non-nuclear signatories of the NPT, and four years of consistent pressure (as discussed in Chapter Two) by the NNWS to secure something on this front, the idea of providing security assurances had produced only the most superficial of concessions. Neither for the first nor the last time, military and political interests had weighed against attempts to sweeten the NPT deal for the non-nuclear-weapon states. It would appear, too, that matters of bureaucratic politics tipped the balance in the formation of US policy on this issue. George Bunn’s analysis of the negative-security-assurance debate of this period shows (at least by implication) that the replacement of Robert McNamara (a convert to the non-proliferation cause who had supported the idea of a US ‘No First Use’ declaration in 1966) with Clark Clifford (a relative non-proliferation sceptic, who in 1968 offered no opinion) had tipped the balance.⁶ As will become clear later in this chapter, the months and years immediately following the NPT’s progression from the ENDC were ones in which US pursuit of arms control was met with strident hawkish protest, led by the Joint Chiefs, that ensured the resulting measures were shaped with hard security interests foremost in mind.

This severely constricted offering on security assurances was as much as the superpowers were willing to offer as the NPT lay before the UN General Assembly. As William Foster put it at a NSC meeting in late March 1968, notwithstanding the expectations of non-nuclear-weapon-states, the US ‘shared with the Soviet Union a

Memorandum, 23 April 1968, LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26, Vol.2, No.81.

⁵ Bunn, ‘U.S. Negative Security Assurances’, p. 5.

⁶ See Bunn, ‘U.S. Negative Security Assurances’, p. 4.

desire to convey the feeling that the present draft was the text of the NPT and not simply a proposal subject to general amendments'.⁷ Foster acknowledged that it would be unwise to be seen to join the Soviets in an effort to 'railroad' the treaty through the General Assembly session, and Ambassador Goldberg commented that the US 'believed in a softer sell than the Soviets'.⁸ Nevertheless it was made clear that the US position was to ward off any resistance to the treaty, which was expected to come in the form of efforts to amend it, return it to the ENDC, or to delay its consideration until after the scheduled meeting of the non-nuclear-weapon states in September.⁹

Dissatisfaction with the treaty's provisions was expressed in the UNGA in much the same terms as in the ENDC negotiations, with much made of the lack of balance between obligations on nuclear- and non-nuclear-weapon states; the absence of specific disarmament obligations; and the potential for the application of safeguards to inhibit the development of peaceful nuclear energy. Indeed, the opposition was led, at least initially, by the same countries that had been most vocal in the ENDC, India foremost amongst them. Brazil also agitated for further amendments – especially to allow for the development of peaceful nuclear explosives (see Chapter Two) – and was given succour in this by Garcia Robles, the influential Mexican diplomat, who made tactical use of Brazil's extreme position in order to pressure the superpowers to offer moderate amendments, despite the fact that Mexico appeared likely to sign the treaty without complaint. (As Rusk put it, on this issue 'Robles was probably more Mexican than the Mexicans'.)¹⁰

But two factors worked in favour of a vote on the existing NPT text in the current session of the General Assembly. Firstly, the opposition to the treaty was no more united in this larger forum than it had been in the ENDC. Dissatisfaction with the

⁷ 584th Meeting of the National Security Council, FRUS, Vol. XI, No.229, 27 March 1968.

⁸ Ibid.

⁹ Ibid.

¹⁰ See Memorandum of Conversation between Rusk and Kuznetsov: Non-Proliferation Treaty, 17 May 1968, FRUS, Vol. XI, No.239.

treaty's terms was widespread, but could not be mobilised around a single set of amendments. By mid-May, a cable back to Walt Rostow in Washington was able to report 26 co-sponsors for the resolution endorsing the NPT, and an opposition 'somewhat in disarray'.¹¹ Secondly, the nuclear powers continued to lean heavily on the fact that the treaty text represented a act of superpower cooperation which was valuable in its own right, and ought to be preserved. This was the line taken by the UK with African states, for example, who had been showing a lack of enthusiasm for acting on the present draft in this session (in some cases reportedly perhaps encouraged in this by China): the embassies in Kenya, Uganda, Gambia, and Zambia were instructed to lobby for NPT approval on the basis that 'to refuse to approve the present draft treaty because it did not go far enough would risk losing the very real progress that has so far been made'.¹² In fact, the UK seems to have acted as a mouthpiece for US-USSR condominium during this General Assembly session, pressing the line that the NPT's text had already been altered in the ENDC as much as was feasible: as one Foreign Office brief somewhat understatedly put it, the UK sought to explain that states' objections were in fact covered by the current draft 'when rightly interpreted'.¹³

The deal agreed between the superpowers on managing the NPT's passage through the UNGA was that, while the text of the treaty could not be touched, there could be a certain flexibility with regard to the text of the UNGA resolution. Duly, as a nod to the widespread lack of enthusiasm about the treaty, the final version of the resolution was changed so that the UNGA would 'commend' rather than 'endorse' the treaty.¹⁴ Reflecting the attention paid to matters of disarmament in the UNGA's debates, the resolution also requested the ENDC 'urgently to pursue negotiations on effective

¹¹ Bromley Smith to Walt Rostow, Cable, CAP 81078, 12 May 1968, LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26, Vol.2, No.2.

¹² Foreign Office to Nairobi, Kampala, Bathurst and Lusaka, Foreign Office 1531, 10 May 1968, UKNA, PREM 13/2442.

¹³ General Disarmament Brief: Non-Proliferation Treaty, 28 April 1968, UKNA, DEFE 19/169.

¹⁴ See Shaker, Vol.1, p. 117.

measures relating to the cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control'.¹⁵

In fact, the disarmament issue had been treated in much the same way as in the ENDC. As will be discussed in Section Three of this chapter, the presence of Article VI in the treaty text was highly politically salient, and the treaty was approved with the clear expectation that it formed one part of a broader effort towards a disarmament programme. Nevertheless the absence of any more binding commitments was defended on the familiar grounds that these were beyond the realms of practicality at the present time, and that the NPT was a necessary step to enable further progress. As Fred Mulley put it, it could not be proved 'that the considerable undertakings in the preamble and in article VI will be carried out, and no words or language about future intentions can give such a guarantee; this can only come from actual agreements and treaties... Against this I am sure that if...the treaty fails or is delayed, then no further progress will be made at all. This is certain.'¹⁶

Although dissatisfaction with the treaty remained widespread, the UNGA voted on 12 June to commend the treaty, with 95 in favour and 4 against, with 21 abstentions, of whom the most notable were France, India and Brazil. In the end, then, superpower cooperation had provided both the incentive for the NPT to be pushed forward and the diplomatic tools to ensure its progress, though without persuading the treaty's strongest critics. The linkage between non-proliferation and disarmament had again proved important in political terms, but had not been translated into binding commitments to specific actions – and the argument that achieving the partial step of banning proliferation was worth proceeding with an unequal treaty had, on balance, prevailed.

¹⁵ Treaty on the Non-Proliferation of Nuclear Weapons, UN General Assembly Resolution 2373(XXII), 12 June 1968.

¹⁶ Speech by Fred Mulley, UK Minister of State for Foreign Affairs, to the First Committee of the United Nations General Assembly, 28 May 1968, UKNA, PREM 13/3002.

3.2.2 Signature by the depositary powers

The NPT was opened for signature on 1 July 1968, with simultaneous ceremonies held in Washington, Moscow, and London, where the depositary powers and fifty-five other states signed the treaty. With the exception of Egypt, none of the states commonly mentioned as targets of the non-proliferation treaty – that is to say, the strategically important and/or near-nuclear – signed on the first day, including West Germany, India, and Japan. Nevertheless, the Johnson administration was keen to get maximum diplomatic impact from the ceremony: Johnson told Rusk he wanted to ‘dramatize it – with the highest level [personnel] I can’.¹⁷

Johnson’s statement at the signing ceremony is worth examining for the way in which the treaty was framed. A tired-looking LBJ, his presidency at this point consumed by the miseries of Vietnam, called the NPT ‘the most important international agreement since the beginning of the nuclear age’, and ascribed to it three purposes:

to commit the nations of the world which do not now have nuclear weapons not to produce or receive them in the future;
to assure equally that such nations have the full peaceful benefits of the atom;
and to commit the nuclear powers to move forward toward effective measures of arms control and disarmament.¹⁸

Note here the equal weighting given to the disarmament element of the treaty, and the surprisingly expansive way in which that commitment was described: after all, the text of the treaty does no more than commit all states to pursue negotiations.

Johnson also announced that agreement had been reached between the US and USSR ‘to enter in the nearest future into discussions on the limitation and the reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles’.¹⁹ This announcement was the product of several months of urging on the part of the United States to persuade the USSR to enter into bilateral arms

¹⁷ Johnson to Rusk, note, 21 June 1968, LBJL, NSF, Subject File – Non Proliferation, Box 26, Vol.2, No.90.

¹⁸ Lyndon Johnson, Remarks on Signing the Nuclear Non-Proliferation Treaty, Washington, 1 July 1968, transcribed at <http://millercenter.org/president/speeches/detail/4037>.

¹⁹ Ibid.

control talks, including exchanges between Johnson and Kosygin by letter and in person at Glassboro the previous summer. The announcement was deliberately timed to improve the NPT's prospects of acceptance by non-nuclear-weapon states, and, along with the way in which Johnson explained the treaty's purposes, is clear evidence that the political link between non-proliferation and arms control was widely understood.

3.2.3 The Conference of Non-Nuclear-Weapon States

Although the weeks immediately following the signing ceremony brought a few encouraging signatures, including Sweden, Mexico, and Canada, the convening of the Conference of Non-Nuclear-Weapon States presented a risk that the treaty's momentum could be halted. The nuclear powers, fearing the disruptive effects of a unified non-nuclear bloc, had been successful in having the conference postponed until after the UN General Assembly session had considered the NPT. Nevertheless, the conference still offered the treaty's malcontents an opportunity to coordinate opposition to the NPT and to rally support around alternative proposals.

In a sense, the diplomatic scenery in the field of multilateral arms control and disarmament had by now reverted to a pre-NPT state. That is to say, the pressure to make the most of a time-sensitive opportunity to negotiate a treaty (pressure which the superpowers deftly exploited) was no longer present, nor was there any need to agree on a specific course of action – which, as explained in Chapter One, was what had split the non-nuclear bloc in the mid-1960s. Non-nuclear states were thus again free to propose a disarmament agenda without having to weigh its desirability against less ambitious, but more achievable, interim measures; and they were free to use disarmament rhetoric to apply pressure to the nuclear-armed states without being undermined by their own divisions.²⁰

²⁰ As they had been in the Non-Aligned Eight's joint memorandum to the ENDC, discussed in Chapter

From the point of view of the United States, there were two main dangers, one political and one procedural. The political danger was that the conference would endorse an ambitious and far-reaching programme of action similar to that which would have made up the ‘package deal’ proposed for the NPT by states like Sweden and India, giving it the weight of multilateral consensus. The procedural danger was that the Non-Nuclear Conference itself would become a part of the broader diplomatic machinery, either convening regular conferences or establishing another body to continue its work. This would have shifted the centre of gravity away from existing mechanisms, in which the superpowers felt they were able to exercise a high degree of influence – the NPT being a prime example – towards ones beyond their direct control.

The blunt self-interest in this calculation was evident in instructions sent to all US diplomatic posts ahead of the Non-Nuclear Conference. Citing the ‘possible disruptive effects of continuing activity of the sort transpiring at NNC’, the State Department urged ‘every reasonable effort to forestall or water down proposals for NNC perpetuation’. Diplomats were instructed to convey the message that the United States would neither participate in the NNC nor support its continuation, and to lobby governments not to support NNC perpetuation. Instead, the US would offer the harmless (indeed, toothless) option of a UN General Assembly agenda item in the next session to discuss how the NNC’s conclusions could be taken up in the existing disarmament machinery.²¹

An alarmist National Security Council report midway through the proceedings of the Non-Nuclear Conference commented that the conference had considered a ‘number of harmful proposals’, and was ‘flirting with unrealistic proposals for peaceful nuclear...explosives; ironclad guarantees for assurances against nuclear attack or

One.

²¹ State to All Posts, Cable: ‘Perpetuation of Non-Nuclear Conference (NNC)’, State 241963, 20 September 1968, FRUS, Vol. XI, No.284.

threats; and sweeping commitments for nuclear disarmament'; and that despite a lack of 'focus and expertise', many NNC members were 'determined to perpetuate the conference' by making its meetings annual or biannual.²² This 'flirting' was in part the product of states being given license to promote pet issues: for example, Willy Brandt, determined to make the most of the opportunity to condemn the Soviet Union's actions in Czechoslovakia, proposed an eloquent exposition of the need to abolish the use of force as a tool in international relations.

The NNC's final document indeed presented a fairly ambitious agenda, if perhaps not entirely worthy of such panicked commentary. The document amounted to a distillation of the conventional wisdom of non-nuclear-weapon states aired in the NPT negotiations, except this time without the pressure to cave in to what would be deemed reasonable by the nuclear-weapon states. Thus, the Conference declaration called for the 'immediate cessation of the arms race and the acceleration of the process of nuclear disarmament and general and complete disarmament', as well as recommending that 'pending the achievement of general and complete disarmament... steps be undertaken urgently with a view to reaching agreements on various collateral measures',²³ and stating that the NPT 'should be followed up by measures of disarmament, in particular nuclear disarmament'.²⁴

Those collateral and follow-on measures were outlined in a pair of resolutions, the first of which requested the UNGA to recommend that the ENDC take up negotiations on:

The prevention of the further development and improvement of nuclear weapons and their delivery vehicles;
The conclusion of a comprehensive test-ban treaty, as an important step in the field of nuclear disarmament, and as a matter of high priority;

²² NSC Paper, 'The 23rd United Nations General Assembly, 24 September 1968, LBJL, Special Files, Meeting Notes Files, Box 3, No.55a, p. 5.

²³ Final Document of the Conference of Non-Nuclear-Weapon States (NNC), UNGA 33, 1 October 1968, A/CONF.35/10, Declaration, para.3.

²⁴ Final Document of the NNC, para.4.

Reaching agreement on the immediate cessation of the production of fissile materials for weapons purposes and the stoppage of the manufacture of nuclear weapons;
The reduction and subsequent elimination of all stockpiles of nuclear weapons and their delivery vehicles.²⁵

A further resolution recalled Article VI of the NPT and urged the US and USSR 'to enter at an early date into bilateral discussions on the limitation of offensive strategic nuclear-weapons delivery systems and systems of defence against ballistic missiles'.²⁶ Lastly, the NNC recommended continued efforts in the UNGA, 'including the consideration of the question of convening another conference at an appropriate time'.²⁷

The business of the NNC had not, in fact, proceeded entirely beyond the nuclear powers' control. The resolution urging bilateral arms limitation talks between the superpowers had been offered by Pakistan, but UK documents claim responsibility for its introduction behind the scenes, in an apparent effort to give weight to the United States' preparations for SALT.²⁸ Other than this, however, the NNC was shaping up to be not simply an irritant, but a threat to the progress of the NPT. Regular meetings of a group aiming to promote the rights of non-nuclear-weapon states could act as a vehicle for opponents of the treaty to generate a hostile environment, particularly if the group established a set of immediate disarmament steps as the condition for the treaty to be accepted. This conditionality between non-proliferation and disarmament, after all, was what the nuclear powers had fought so hard to resist.

However, the ensuing General Assembly session saw another example of what could be achieved through a combination of superpower (and especially American) alliance management and concern for public appearances. The troublesome Italians had joined with Pakistan, Brazil and other NPT objectors to promote a resolution establishing a UN ad-hoc committee (or an early meeting of the UN Disarmament

²⁵ Final Document of the NNC, Resolution C.

²⁶ Final Document of the NNC, Resolution D.

²⁷ Final Document of the NNC, Declaration, para.8.

²⁸ See Cable, Geneva to Foreign Office, Geneva 191. 1 October 1968, UKNA, PREM 13/3002.

Commission) to pursue the recommendations of the NNC. (It should be noted that this did not only concern disarmament measures and security assurances, but was also an effort to extract greater concessions from the nuclear powers on the provision of assistance in peaceful nuclear energy). The USSR's response was hard line: no resolution favourable to the NNC could be accepted. The United States, on the other hand, quietly encouraged Japan and the Netherlands to form a rival group to produce a resolution designed to give recognition to the NNC's deliberations without legitimising its place in the broader disarmament machinery, while insisting in public that any ad hoc body would only threaten the future of the NPT.

A combination of factors allowed this approach to succeed: the willingness of allies with disarmament *bona fides*, such as Japan, to do the diplomatic leg-work; favourable circumstances in the form of India's reluctance to give credit to the Pakistan-led pro-NNC resolution; Mexico's willingness to support any viable resolution that would preserve endorsement of the Treaty of Tlatelolco; and a lack of desire from developing countries to make a stand on the issue either way if it would involve significant diplomatic costs. A version of the US-driven resolution eventually passed with an overwhelming majority. It endorsed the NNC's Declaration, took note of its resolutions and put on the agenda of the next UNGA session the question of implementing the results of the NNC.²⁹ It was significant, as an internal US account put it, that 'the stress on the need to protect the NPT, in the end, contributed to unifying, rather than dividing' the supporters of the resolution.³⁰ Broadly speaking, the argument that had seen the NPT through the ENDC – that, for the moment, the limited achievement of the NPT was worth preserving – was still enough to prevent the mobilisation of alternative processes for disarmament led by non-nuclear-weapon states.

²⁹ 'Conference of Non-Nuclear-Weapon States', UNGA Resolution 2456(XXIII).

³⁰ USUN to State, Airgram: XXIII General Assembly, Evaluation of Results in the Disarmament Field, USUN A-2804, 24 December 1968, FRUS, Vol XI, No 302.

3.3 Ratification by the nuclear powers

As we have seen, the NPT's successful negotiation had in part been predicated on the notion that the treaty would be only the start of a broader process of arms control and disarmament. However, the early years of the NPT's existence lent only partial support to this idea, in two ways: firstly, the superpowers' enthusiasm towards the treaty dimmed (the subject of this section), and secondly, the direction in which follow-on measures of arms control began to move indicated a clear divergence between visions of what a global 'nuclear order' might look like.

As we have seen, the superpowers had been willing to go to some considerable lengths to achieve an NPT. Yet it is also true that their commitment to the goal of non-proliferation had been anything but infinite. The NPT was not worth agreeing to a comprehensive disarmament plan; nor was it worth damaging alliances; nor was it worth providing binding security assurances to non-allies. As discussed in Chapter One, it had also been assumed from an early stage by the United States that not only would the NPT be only one part of a broader non-proliferation strategy, a certain degree of proliferation might be inevitable in any case. And although the Soviet Union shared, in a general sense, the desire for a truly multilateral instrument against proliferation, the overriding Soviet concern was West Germany. Immediately following the conclusion of the NPT, therefore, the USSR was focused on securing the FRG's signature. Beyond that, the general success or failure of the treaty was a secondary concern. Once the treaty had been negotiated and signed by the depositary powers, this tendency began to show itself more strongly. In fact, in the first two years of the NPT's existence, much of its apparent momentum was halted – as was any sense that that the treaty would form the basis for a broader nuclear disarmament agenda.

3.3.1 The Soviet invasion of Czechoslovakia

The proximate cause for the NPT's progress stalling was the Soviet invasion of Czechoslovakia on 20 August 1968. The invasion brought to light some uncomfortable facts that had been lurking in the background of the NPT talks. Firstly, it highlighted the uneasy relationship between arms control and the broader sweep of Cold War competition. Both in the United States and the USSR, whatever cooperation might have been taking place in the field of nuclear weapons was still exceptional, and subject to being overridden by more immediate political imperatives. Arms control was at best a second-tier priority.

Secondly, it was evident that not only had what we now know as the period of *détente* not yet fully emerged, but pursuing arms control as a tool of *détente* in its own right would be far from easy. The invasion of Czechoslovakia seemed to confirm the worst fears of West Germany at the time of the NPT – that the treaty would be pursued in the name of *détente* over her head, stripping the FRG of the right to arm herself to defend against an emboldened Soviet Union. It was toxic for a treaty that sought to persuade countries, including US allies, to forgo nuclear arms, without the compensation of binding security assurances. It also lent weight to the arguments of the natural opponents of *détente* in the United States, both in Congress and within the administration.

The Soviet invasion came as a surprise not only to the Johnson administration, but also, seemingly, to many in the USSR.³¹ It was at odds with the apparent state of relations between the superpowers and was a fairly stunning rebuff to the United States' efforts to pursue *détente*. In fact, the very day before the invasion, Dobrynin had conveyed a message to Walt Rostow that proposed a Johnson-Kosygin summit in

³¹ At their first meeting afterwards, for example, William Foster judged it to be clear that Dobrynin 'had had no advance notice' of the invasion. See Memorandum of Conversation, Foster-Dobrynin, 17 September 1968, FRUS, Vol. XI, No. 283.

Moscow in October with strategic missile talks as its centrepiece, the product of months of back-channel discussions. The summit was scheduled to be announced on the morning of 21 August; for obvious reasons, the announcement was postponed indefinitely shortly after the invasion.³²

The effects on the prospects for NPT ratification in the United States were immediate, and caused a ripple effect throughout the world. It became clear that Senate advice and consent for the treaty would be by no means automatic, as the Soviet invasion merely added to an existing sense of discomfort with the impact the treaty's negotiations had had on alliance relations. The US delay even gave succour to a mini-rebellion against the NPT in the UK, led by defence minister Denis Healey, who, like some of his American counterparts, was treating NPT ratification as the first shot in a battle over the range of further arms control measures. Harold Wilson wrote to Chalfont, his Minister of State for Foreign Affairs, with instructions to quash the rebellion, but noted his concern about the growing opposition to ratification in the United States. Significantly, he also observed that the 'prospects of signature or ratification by other important countries (e.g. Italy and Germany) seem[ed] much less favourable' as a result.³³

The delay did indeed cast a pall over the NPT's international standing. Not only did it indicate that the United States' interest in the treaty might have lessened, it also essentially removed any power of suasion the US might have cared to apply to its allies and to others to sign. A frustrated President Johnson is recorded as telling an NSC meeting in November 1968 that the US had 'no leverage on [the FRG] to ratify the NPT because we have not yet ratified. The same situation is involved with Israel... In India and Japan, those opposing the NPT can argue that their countries should not act on the

³² See Editorial Note, FRUS Vol. XI, No.274.

³³ Wilson to Chalfont, Memorandum, 13 September 1968, UKNA, CAB 164/632.

treaty before we do.’³⁴ The NPT's supporters within the Johnson administration had been keen to accelerate Senate action on the treaty, to the point of urging a Presidential statement on the subject and a call for a special session of the Senate to prevent its postponement until 1969, but to no avail.

3.3.2 Nixon and the NPT

A significant and ominous factor in the NPT's congressional struggles was the obvious reluctance of the President-elect, Richard Nixon, to lend the treaty public support, despite repeated efforts by the Johnson administration to encourage him to do so and warnings that a lack of US leadership would allow international opposition to the treaty to coalesce. Undoubtedly a large part of this reluctance was a means of denying the departing LBJ an easy political win. But whatever the motive, Nixon's adviser Robert Murphy told Dean Rusk that Nixon faced problems in gaining Republican support for the treaty, and would not be able to express any public hope to see the treaty ratified, particularly not in a special Senate session before the change of Administration.³⁵

Once Nixon had taken office, there was little reason for him not to seek ratification of the NPT: it was a treaty in which the United States had invested significant diplomatic effort, and Nixon, after all, had famously accepted the Republican party's nomination for the Presidency with the declaration that '[a]fter an era of confrontation, the time has come for an era of negotiation'.³⁶ But Nixon regarded the NPT as Johnson's property, as a rough deal for the non-nuclear-weapon states, and as a treaty with little to offer the United States. At the same time as deciding, in mid-January 1969, that the NPT would be submitted to the Senate for ratification, Nixon determined

³⁴ Summary Notes of the 594th Meeting of the National Security Council, 25 November 1968, FRUS, Vol. XI, No.293.

³⁵ Recorded in Bromley Smith to Lyndon Johnson, Memorandum of Conversation: Rusk telephone conversation with Ambassador Robert Murphy, 29 November 1968, LBJL, NSF, Subject File – Non Proliferation Treaty, Box 26, Vol.2, No.36, p. 1.

³⁶ Richard Nixon, Address at the Republican National Convention in Miami Beach, Florida, 8 August 1968. Retrieved from <http://presidency.ucsb.edu/ws?pid=25968#axzz2fbydX0EX>.

that the US position on the treaty thereafter would go no further than a declaration of support.

The notes of the National Security Council meeting on 29 January 1969 to discuss the practicalities of US NPT ratification are revealing. Nixon told the NSC that he believed the value of the NPT was often overestimated, and that any signatory who later chose to make nuclear weapons could 'abrogate the treaty without sanctions'. The NPT's impact, Nixon believed, was 'largely psychological', but this impact posed its own problems for the self-image and domestic politics of allies, and particularly that of West Germany. Nixon was adamant that there was to be 'no arm twisting of other states on the NPT issue, that it is completely up to them as to whether or not they follow [the United States'] lead'.³⁷

This position was subsequently codified in a secret memorandum, National Security Decision Memorandum (NSDM) 6, circulated on 5 February 1969, the same day that Nixon transmitted the NPT to the Senate for ratification. NSDM 6 stated that

associated with the decision to proceed with U.S. ratification of the Non-Proliferation Treaty, there should be no efforts by the U.S. Government to pressure other nations, in particular the Federal Republic of Germany, to follow suit. The Government in its public posture should reflect a tone of optimism that other countries will sign or ratify, while clearly dissociating itself from any plan to bring pressure on these countries [to do so].

NSDM 6 also reaffirmed a minimalist interpretation of UN Security Council Resolution 255 on security assurances, stating that the US should 'make it clear that the Non-Proliferation Treaty does not create any new U.S. commitments abroad and that it does not broaden or modify any existing U.S. commitments abroad'.³⁸

This position was put into practice in Nixon's subsequent dealings with US allies, and particularly the FRG. Nixon told Chancellor Kiesinger in February 1969 that he agreed that the previous administration's willingness to risk a rupture in the alliance

³⁷ Minutes of National Security Council Meeting, Washington, 29 January 1969, FRUS, Vol. E-2, No.5.

³⁸ National Security Decision Memorandum 6, 5 February 1969, reproduced in FRUS, Vol. E-2, No.8.

to achieve the NPT had been a mistake, and that the US-FRG alliance was 'the Blue Chip, the heart of the defense of Europe and the free world'. Nixon assured Kiesinger that he would not fall into the Soviet 'trap' of breaking up that alliance.³⁹ Indeed, the Nixon administration not only refrained from pressuring the FRG to sign, it was willing to wait to deposit the United States' instrument of ratification until the Soviets were ready to ratify, which in turn would not happen until the FRG made the decision to sign under the new government of Willy Brandt. This lack of pressure was maintained in spite of internal US memoranda warning of the likely harm to the treaty's prospects, and in spite of Soviet complaints that the NPT had been negotiated precisely on the understanding that the US would use its influence to make West Germany adhere.

The Nixon administration's sensitivity to its allies' sensitivities, and its corresponding lack of desire to be seen to promote signature or ratification of the NPT, was even manifested in its approach to the eventual joint deposit of the US and USSR instruments of ratification, which passed with considerably less fanfare than the ceremonies put on by the Johnson administration at the time of the treaty's signing. It appears that this was a direct result of a desire not to participate in an exercise that would suggest US-USSR collaboration over the head of US allies. Kissinger opposed State Department plans for a high-profile event on the grounds that it 'would carry overtones of "condominium" and we would do well to avoid excessive atmospherics',⁴⁰ and Helmut Sonnenfeldt, a senior staff member of the NSC, urged Kissinger to prevent a 'détente jamboree'.⁴¹ Kissinger succeeded in selling this position to Nixon, who said he would 'just sign the darn thing, and then announce it'.⁴²

The NPT entered into force when the superpowers' instruments of ratification

³⁹ Memorandum of Conversation Between President Nixon and Chancellor Kiesinger, Bonn, 26 February 1969, reproduced in FRUS, Vol.E-2, No.12.

⁴⁰ Kissinger to Nixon, Memorandum, 26 September 1969, reproduced in FRUS, Vol.E-2, No.27.

⁴¹ Sonnenfeldt to Kissinger, 6 November 1969, reproduced in FRUS, Vol.E-2, No.37.

⁴² Telephone Conversation between Kissinger and Nixon, Notes, Washington, 19 November 1969, reproduced in FRUS, Vol.E-2, No.41.

were deposited on 5 March 1970, as the requisite number of non-nuclear signatures had already been collected. But it still lacked key signatures and ratifications, while the United States continued to offer no more than platitudes in support of wider adherence to the treaty – in fact, in some cases, quite the opposite. In a meeting with Japanese Prime Minister Eisaku Sato at San Clemente in January 1972, Nixon said the US was not 'exerting pressure [to sign the NPT]... In fact... Japan might take its time and thus keep any potential enemy concerned.'⁴³ Kissinger travelled to Japan later that year, and reported to Nixon in June that:

KISSINGER: ... the State Department was bugging the daylights out of me and I was getting briefing papers, letters, planted questions [asking] if I would publicly support the Nonproliferation Treaty in Japan and squeeze the Japanese government.'

NIXON: I hope you didn't.

KISSINGER: I didn't. I sort of mumbled around wherever the ambassador was present. But I told Sato and Fukuda [Sato's Minister of Foreign Affairs] privately that what you said in San Clemente is our policy.⁴⁴

In fact, the same conversation provides an insight into the extent to which US attitudes to the NPT had changed under Nixon:

NIXON: Let me say, the State [Department] always puts that Nonproliferation Treaty in there [in documents relating to SALT]. You know what the reason is? The State Department bureaucracy considers that to be theirs, Henry. Really, it's a selfish damn thing. Now listen, the Nonproliferation Treaty has nothing to do with the security of the United States of America. You know very well.

KISSINGER: It's made at the expense of other countries.

NIXON: That's right.⁴⁵

All in all, then, it became quickly apparent that the conclusion of the NPT would not be followed by a concerted US effort to secure adherence by the most significant non-

⁴³ Record of meeting attached to Holdridge to Kissinger, USNA, Nixon Presidential Materials, Kissinger Office Files, Box 1025, Pres/HAK Memcons, President/PM Sato, Jan 6-7, 1972 and reproduced in FRUS, Vol.E-2, No.58.

⁴⁴ Conversation between Nixon and Kissinger, tape transcript, 13 June 1972, reproduced in FRUS, Vol.E-2, No.58.

⁴⁵ Conversation between Nixon and Kissinger, 13 June 1972.

nuclear-weapon states. This fact gave the impression that the NPT was no longer the high priority that it had been under the Johnson administration, damaging its implementation as a result. Moreover, this newfound American ambivalence boded extremely poorly for the chances of the treaty being followed by a comprehensive effort in arms control and disarmament. In the first place, the lessened importance of the NPT made it extremely unlikely that the United States would embark on ambitious follow-on measures to improve the chances of widespread adherence. Or to put it a different way, the Nixon administration was hardly likely to strike a 'bargain' by offering disarmament concessions to secure the future of a treaty about which it was ambivalent at best. Secondly, Nixon's personal antipathy towards the NPT as a creation of the Johnson administration meant that it was unlikely that the United States, under his leadership, would take anything other than a strictly minimalist approach to interpreting its provisions – something which applied particularly to the ambiguous obligation embodied in Article VI.

3.4 Beyond the treaty

3.4.1 Arms control follow-on

Given the internal wranglings in the United States narrated in Chapter One, we can recall that in order for it to become US policy that a Non-Proliferation Treaty should be pursued, a range of conditions had been necessary. Firstly, it had to be judged that a treaty of this kind limiting the national options would be in the US interest; secondly, there needed to be a sense that the Soviet Union had judged the same; thirdly, the treaty needed strong supporters within the administration; lastly, the treaty's internal opponents had to be stood down by high-level political leadership. The basic story of the immediate follow-on to the NPT is that the measures envisaged by non-nuclear-weapon states as the necessary steps in the context of Article VI at no time enjoyed all of these

conditions, and at some points enjoyed none of them.

This observation helps to explain some of the contradictions in the US approach to NPT follow-on. On the one hand, many in the Johnson administration, and in the broader political environment, embraced the message that the NPT's successful implementation would rest on the progress of efforts to halt and reverse the arms race – a message also strongly supported by the United Kingdom. This was initially used, privately and publicly, as an argument for beginning SALT talks with the USSR. On the other hand, the treaty was barely months old when the next session of the ENDC was convened, at which the US appeared to back off from its previous support for a fissile material cut-off, a comprehensive test-ban treaty, and measures to reduce nuclear stockpiles en route to their elimination. And once the Nixon administration was installed, the US position on Article VI was decidedly minimalist, and the link between SALT and progress on the NPT was tenuous.

There was no doubt that those with a stake in the NPT negotiations interpreted Article VI as a reason (if not a binding obligation) for prompt action on follow-on measures of arms control. The strongest version of this position was taken, unsurprisingly, by ACDA officials. Soon after the NPT text was finalised in the ENDC, for example, Bill Foster asked the NSC to consider what would follow the treaty, given its call for the nuclear weapon states to negotiate in good faith towards nuclear disarmament, and he noted previous US proposals for a comprehensive test-ban, a fissile material cut-off, and a freeze on offensive-defensive strategic weapons.⁴⁶ In a memo to the Committee of Principals in April 1968, he predicted that 'following the NPT, the US will be under considerable pressure to demonstrate that it is prepared to negotiate further arms control measures as required by Article VI of the NPT',⁴⁷ and on

⁴⁶ Keeny, Memorandum for the record: 584th NSC Meeting 1:00pm Wednesday March 27 1968, dated 4 April 1968, LBJL, NSF, NSC Meetings File, Box 2, Vol.4, Tab 66, No.2, p.4.

⁴⁷ Foster to Committee of Principals, Memorandum: Arms Control on the Seabed, 12 April 1968, FRUS, Vol.XI, No.233.

this basis urged action on a seabed denuclearisation treaty.

The need to create a positive atmosphere for uptake of the Non-Proliferation Treaty was also a consistent theme in the Johnson administration's efforts to open SALT talks with the Soviet Union. This link had been mentioned in communications dating back at least to 1967, and was repeated by Johnson in a letter to Kosygin in May 1968, on the eve of the resumed General Assembly session to consider the NPT. Declaring it 'important that our governments do everything possible to give the greatest impetus to world sentiment favorable to opening the treaty for signature at an early date', Johnson proposed an announcement during the General Assembly that the US and USSR had agreed to begin bilateral talks on an agreement to limit strategic offensive and defensive missiles.⁴⁸

The Soviet Union had at this point been resisting the opening of bilateral talks, apparently because of tensions over Vietnam but also because of lingering concerns about the need to achieve nuclear parity. In fact, Dobrynin had told Llewellyn Thompson a month previously that he 'did not think that the statement in the NPT involved any specific commitment' to negotiate on arms control.⁴⁹ However, Soviet officials accepted in a general sense that an agreement on negotiations would help the NPT's prospects,⁵⁰ and a speech by Deputy Foreign Minister Kuznetsov to the General Assembly on 20 May 1968 was interpreted by the US as meaning that the USSR might be willing to talk.⁵¹ In mid-June, Johnson tried again: in another letter to Kosygin, he said 'I think it would be particularly fitting if, on [the date of the NPT being opened for signature], we could jointly announce our agreement to hold talks on the strategic

⁴⁸ Johnson to Kosygin, letter, 2 May 1968, reproduced in FRUS, Vol.XI, No.237.

⁴⁹ Memorandum of Conversation between Thompson and Dobrynin: Strategic Arms Control, 4 April 1968, LBJL, NSF, Country File – USSR – Dobrynin/Thompson Conversations, Box 227, Vol.II (Feb 66-Sep 68), No.27.

⁵⁰ See e.g. Memorandum of Conversation, Bohlen/Leddy and Kuznetsov/Dobrynin, Washington, 17 May 1968, reproduced in FRUS, Vol.XI, No.239.

⁵¹ See Hughes to Rusk, Memorandum: Signs of Soviet Movement on Strategic Arms Talks, 23 May 1968, LBJL, NSF, Country File – USSR, Box 225, Vol.19, No.24a.

missile problem. I believe this would do much to advance our common aim of achieving the widest possible endorsement of the treaty.'⁵² This time, Kosygin agreed, supplying a draft text for the announcement and concurring that it would 'further the task of inducing the adherence of the greatest number of states to the non-proliferation treaty'.⁵³

It is likely that the frequent reiteration of the NPT-arms control link during the General Assembly debate was a factor in the USSR's change of position. The link was played up not only in the statements of non-nuclear weapon states, but also by the UK and US. Although, as explained above, they were not willing to concede any specific obligations as a result of Article VI, they acknowledged the political connection between non-proliferation and disarmament. Fred Mulley told the UNGA First Committee, for example, that the NPT 'must provide a basis of confidence on which further and, I sincerely hope, rapid progress on other measures of disarmament and arms can be made', and declared himself certain that if they were not made, 'the non-proliferation treaty itself will not succeed in its objective and will collapse'. Mulley asked the non-nuclear states for an 'act of faith' in believing that the superpowers 'recognise their special responsibilities, and that [the NPT] is a manifestation of their concern to do something positive to reduce the dangers of nuclear war'.⁵⁴ Johnson himself, at the adoption of the resolution commending the NPT, told the General Assembly that the 'non-nuclear states – who undertake by this treaty to forgo nuclear weapons – are entitled to the assurance that powers possessing them, above all the United States and the Soviet Union, will lose no time in finding a way to scale down the nuclear arms race'.⁵⁵ The influential Swedish disarmament ambassador Alva Myrdal had reportedly also told Roshchin in private that the non-nuclear states were becoming

⁵² Johnson to Kosygin, letter, Washington, 22 June 1968, reproduced in FRUS, Vol.XI, No.248.

⁵³ Kosygin to Johnson, letter, Moscow, 27 June 1968, reproduced in FRUS, Vol.XI, No.249.

⁵⁴ Text of Speech by Rt. Hon. Fred Mulley MP, Minister of State for Foreign Affairs with Special Responsibility for Disarmament Matters in the First Committee of the United Nations General Assembly, 1 May 1968, UKNA, PREM 13/3002.

⁵⁵ Reproduced in President Johnson's Statement in General Assembly, 13 June 1968, UKNA, PREM 13/2442.

frustrated with the USSR's reiteration of old proposals, especially the non-use commitment originally introduced as the Kosygin proposal. US documents record the State Department's impression that the USSR felt pressure in the General Assembly debate to meet the charge that the NPT did nothing to disarm the nuclear powers.⁵⁶

In other words, at the same time as the superpowers were muscling the NPT through the General Assembly in unchanged form, they were also conceding in rhetorical terms a strong link between the NPT and further measures of arms control. Not only were bilateral US-USSR arms control talks duly announced at the ceremony to open the NPT for signature, the USSR also simultaneously issued its own memorandum on further disarmament measures. Kosygin called for nine initiatives: a ban on the use of nuclear weapons; negotiations on stopping manufacture of nuclear weapons, reduction of stockpiles, and subsequent complete prohibition and destruction of nuclear weapons under international control; an exchange of views on mutual limitation and subsequent reduction of strategic delivery vehicles; a ban on flights beyond national borders of bombers with nuclear weapons; an agreement to stop patrols by submarines carrying nuclear missiles with a range that would extend over national borders; a prohibition of all nuclear weapon tests, verified by national technical means; elimination of foreign military bases; establishment of regional nuclear-weapon-free zones; and a regime to limit the use of the seabed to peaceful purposes.⁵⁷

What happened next, however, would demonstrate that the type of follow-on measures about which the superpowers were serious was rather different from those envisaged by the non-nuclear-weapon states; and that, of the range of proposals at some points in the last two decades supported by the US and USSR, only a small number were viable in the short to medium term.

⁵⁶ See Hughes to Rusk, Signs of Soviet Movement on Strategic Arms Talks, 23 May 1968, and State to Moscow and USUN, Cable, State 17045, 24 May 1968, LBJL, NSF, Country File – USSR, Box 225, Vol. 18, No.18, p.1.

⁵⁷ ITAR-TASS, Summary of Soviet Memorandum on Disarmament Measures, 1 July 1968.

3.4.2 How the follow-on measures were framed

To start with, the US interpreted the Soviet memorandum, perhaps sensibly, as an exercise in traditional propaganda – reminiscent, in fact, of the pre-NPT situation in which proposals for general and complete disarmament were used for political gain at the expense of practical negotiations on smaller measures. Rostow passed an advance copy of the Soviet memorandum to Johnson with an accompanying note on its contents that commented: 'With the exception of the strategic missiles item, the others are old propaganda disarmament boiler plate.'⁵⁸ A State Department analysis of the memorandum saw a possibility of acting on the proposal for strategic missile talks and on the denuclearization of the sea bed. 'None of the other points in the aide-memoire', it concluded, 'are ones on which the Soviets would be likely to expect to conclude agreements or even to begin serious negotiations'.⁵⁹

Once enough had been done to get the NPT through the General Assembly, the following months saw a shift away from the idea that the treaty would be followed by a range of others, including multilateral measures, and towards a single-minded focus on bilateral arms control. The exception to this was the negotiation of a sea-bed treaty, but in fact this exception rather proves the rule. Even Foster had argued that a positive position on the seabed treaty would enable the US 'to fend off more general proposals that might adversely affect our security interests', and that for this reason it was the 'most readily acceptable measure for multilateral negotiation'.⁶⁰ Spurgeon Keeny supported the proposal along similar lines, believing that it would 'keep up the momentum of the NPT and have political value broader than its immediate arms control implications', and warning that failure to support it 'would also put more pressure on us

⁵⁸ Rostow to Johnson, Memorandum, 28 June 1968, LBJL, NSF, Country File – USSR, Box 226, Vol.20, No. 101.

⁵⁹ Hughes to Rusk, Memorandum: Moscow's Latest Disarmament Program – An analysis of the July 1 Aide-Memoire, 8 July 1968, LBJL, NSF, Files of Walt W. Rostow – Strategic Missile Talks, Box 11, No.8c.

⁶⁰ Foster to Committee of Principals, Arms Control on the Seabed, 12 April 1968.

on the comprehensive test ban issue'.⁶¹ In other words, the one multilateral initiative the US was willing to support was a means of deflecting attention away from larger, more ambitious goals – which happened to be precisely the goals that the non-nuclear-weapon states had identified in the NPT negotiations as the measures that should follow on from non-proliferation.

The general lack of enthusiasm to continue efforts for a comprehensive test-ban and a fissile material cut-off was given formal expression in Johnson's statement to the first session of the ENDC after the negotiation of the NPT. To read the documents relating to the drafting of this statement, in fact, is to get a sense of Article VI's first encounter with real-world politics, and gives a clear understanding of why the lack of a binding commitment to achieve any concrete disarmament measures was a crucial omission. The original version of Johnson's statement, drafted by the State Department, included a reiteration of US support for a comprehensive test ban (with verification including inspections, the crucial point of difference between this and Soviet policy) and a fissile material cut-off. At this stage, however, the Joint Chiefs of Staff were in the process of waging a fierce inter-departmental war against the United States' arms controllers.⁶² The JCS, AEC and the Defense Department weighed in heavily to oppose the inclusion of these proposals in Johnson's statement. Of particular note was the JCS's insistence that requirements for MIRVs (Multiple Independently Targeted Reentry Vehicles) for Poseidon and Minuteman missiles, nuclear-armed Sentinel anti-ballistic missile defences, and Plowshare peaceful nuclear explosions meant that underground testing remained necessary.⁶³ Rusk warned Johnson that omission of any mention of these proposals 'could damage the public posture of the US in the disarmament field',

⁶¹ Keeny to Rostow and Hornig, Memorandum: Committee of Principals Meeting, June 3 1968, dated 31 May 1968, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol.4, No.8a.

⁶² For a particularly lively instance of this, see Joint Chiefs of Staff, Working Paper: Critical Elements of Nuclear Forces Capabilities, 9 July 1968, LBJL, NSF, Subject File – Disarmament – Committee of Principals, Box 14, Vol.4, No.6c.

⁶³ Summarised in Rostow to Johnson, Memorandum, 15 July 1968, LBJL, NSF, Subject File – Disarmament – 18 Nation Disarmament Conference (ENDC), Box 13, Vol.3, No. 2, p.1.

'jeopardize the wide acceptability of the NPT by other countries', and 'leave the center of the stage at the ENDC to the Kosygin nine-point memorandum'.⁶⁴ Regardless, Johnson agreed to the deletions, and his statement to the ENDC contained no reference to either measure. It is noteworthy, too, that Johnson's message on transmission of the NPT to the Senate contained little on the implications of Article VI beyond a motherhood-and-apple-pie reference to the treaty as 'another step on the journey toward world peace', claiming that 'its very achievement, as well as its provisions, enhances the prospects of progress toward disarmament'.⁶⁵

It was quite clear, then, that follow-on to the NPT would come in the form of bilateral strategic offensive and defensive missile talks with the Soviet Union, at the expense of (rather than complementing) the pursuit of other measures through the ENDC. In fact, Rusk and Fisher even had to send apologies to Johnson for the lateness of the draft statement to the ENDC, as 'most concerned with this matter have been deeply engaged on preparations for strategic missile talks'.⁶⁶ The position of the Johnson administration, of course, was that pursuit of such talks was a direct fulfilment of Article VI. This was repeated both in internal descriptions of the need for talks,⁶⁷ as well as in the draft initial presentation of the US position (written when it appeared that talks would take place), which claimed that an agreement to curb the arms race would 'constitute a most important step in fulfilment of the obligations undertaken by our Governments under Article VI of the Non-Proliferation Treaty'.⁶⁸ We know now, however, that the invasion of Czechoslovakia led to the indefinite postponement of the

⁶⁴ Rusk to LBJ, Memorandum: Proposed Presidential Message to the Resumed Session of the ENDC, 15 July 1968, LBJL, NSF, Subject File – Disarmament – 18 Nation Disarmament Conference (ENDC), Box 13, Vol.3, No.3, p.1.

⁶⁵ Office of the White House Press Secretary, Message from the President to the Senate on transmission of the NPT for advice and consent, 9 July 1968, LBJL, NSF, Subject File – Non Proliferation, Box 26, Vol. 2, No.53.

⁶⁶ Rostow to Johnson, 15 July 1968.

⁶⁷ See e.g. Rusk and Foster to Johnson, Memorandum: Strategic Arms Talks with the Soviets, 15 August 1968, reproduced as Tab B in FRUS, Vol.XI, No.269.

⁶⁸ Strategic Missile Talks: Initial Presentation of US Position, Washington, 24 August 1968, attached as Tab A to Rostow to Johnson, Memorandum, 29 August 1968, reproduced in FRUS, Vol.XI, No.277.

talks, which, in the end, would be conducted under Nixon. And it would be up to that successor administration to decide on whether and how those talks might be linked to the deal struck over the NPT.

Whatever might have been said in terms of the importance of creating a positive atmosphere for the treaty through arms control and disarmament, when it came to defining the United States' interpretation of Article VI once the treaty had come into being, it was clear that the plain text alone would be the guide. The first round of Senate Foreign Relations Committee hearings (rendered moot by the failure to bring the treaty to a vote in 1968) produced a report that briefly mentioned the nuclear powers' pledge of arms control and disarmament as partial compensation for the non-nuclear-weapons' sacrifice in forswearing nuclear arms, but went no further in analysing the meaning of that general pledge.⁶⁹ When Spurgeon Keeny wrote an overview of the NPT's provisions for the newly-installed Nixon administration in January 1969, he described Article VI (in what is now a widely-quoted phrase) as 'an essentially hortatory statement [which] presents no problems'⁷⁰ (echoing the phrase he had to use to describe the article's introduction to the draft text in January 1968 – see Chapter Two).

The second round of Senate hearings on the NPT, held in February 1969, spent considerable time discussing Article VI. Its exchanges on the subject are instructive. The deployment of the nuclear-armed anti-ballistic missile system, Sentinel, was a topic of considerable domestic controversy at the time, and several senators sought a statement from Nixon administration officials that Article VI obliged the United States to exercise restraint. Indeed, the committee's final report argued that the US and USSR's decisions on strategic offensive and defensive missiles were 'of vital importance not only to the peace and security of the world but to the successful implementation of the

⁶⁹ U.S. Senate Committee on Foreign Relations, 'Treaty on the Non-Proliferation of Nuclear Weapons', 90th Congress, 2nd Session, Executive Report No. 9, p. 2.

⁷⁰ Keeny to Kissinger, Memorandum: Provisions of the NPT and Associated Problems, 24 January 1969, reproduced in FRUS, Vol.E-2, No.2.

Nonproliferation Treaty', and that '[i]n order to give effect to article VI...the administration should consider deferring the deployment of [ABM] until it has had time to make an earnest effort to pursue meaningful discussions with the Soviet Union'.⁷¹

However, despite pressure from a number of senators, including William Fulbright, the committee chair, who drew attention to the 'inconsistency of our professing...the sentiments of article VI and, at the same time, proceeding, if we should, to build an ABM system',⁷² no administration official was willing to acknowledge any link between the actual deployment of ABM systems and Article VI of the NPT. The only concession, after several rounds of questions, was Secretary of State William Rogers's acceptance that the United States should pursue negotiations in good faith with the Soviet Union on anti-ballistic missiles⁷³ – but this was accompanied by an insistence from both Rogers and Secretary of Defense Melvin Laird that there was neither an obligation to halt ABM deployments until such negotiations, nor any obligation to negotiate specifically on ABM separate from other components of the arms race.⁷⁴

Overall, both official testimony and its reception from the members of the Foreign Relations Committee indicated an interpretation of Article VI that, in its plain textual meaning, obliged the United States to do very little. Senator Karl Mundt (no liberal he, the former accomplice of Joe McCarthy on the House Un-American Activities Committee) commented that, in his view, the problem with the NPT was 'not that it goes too far but that it does not go far enough'. He had asked Secretary Rogers whether there was anything that prevented the US, USSR or China from dramatically expanding their own nuclear arsenals, and was told that there was not. Glenn Seaborg, also testifying, was interrupted halfway through mentioning that 'Article VI indicates a

⁷¹ U.S. Senate Committee on Foreign Relations, 'Treaty on the Non-Proliferation of Nuclear Weapons', 91st Congress, 1st Session, Executive Report 6 March 1969, p.18.

⁷² United States Senate, Non-Proliferation Treaty: Hearings Before the Committee on Foreign Relations, Ninety-First Congress, First Session, Part 2, February 18 and 20, 1969 (Washington, DC: US Government Printing Office, 1969), [hereafter SFRC NPT hearings, 1969], p.318.

⁷³ SFRC NPT Hearings, 1969, p. 352.

⁷⁴ See e.g. SFRC NPT Hearings, 1969, p. 350, pp.389-404.

hope that we will get on with the--' by Rogers, who insisted again that 'as far as the treaty is concerned', Article VI involved no such limitation.⁷⁵

Senator Albert Gore, Sr., who had advised the US delegation in Geneva, objected to the use of the word 'hope' by both Rogers and Seaborg, noting sharply that 'Article VI was not, to my knowledge, ever referred to [in Geneva] as a matter of mere hope'.⁷⁶ But the prevailing sense of the committee was that, although a treaty committing the United States to concrete disarmament measures might have been desirable, Article VI contained no such commitment. This was perhaps most pithily expressed by Fulbright, who said of the obligation on NPT parties to negotiate: 'They may not live up to it. The trouble is not the treaty. It is the orneriness of human beings, isn't it?'⁷⁷

In other words, although Article VI had become one tool in the armoury of those who advocated arms control and disarmament in the United States, even disarmament advocates were under the impression that the tangible obligation it imposed on the US was slight, at best. And this minimalist interpretation, which, when all the accompanying political rhetoric was stripped away, was consistent with how the nuclear powers had described the NPT during its negotiation, would be used as justification to resist pressure to act in the years to come on the top priorities of the non-nuclear-weapon states: a comprehensive test ban, a fissile material cut-off, and concrete reductions in nuclear forces.

3.4.3 SALT

Given that it appeared to be settled, very quickly after the conclusion of the NPT, that the nuclear powers would not be moving any time soon toward the kinds of

⁷⁵ SFRC NPT Hearings, 1969, p 338.

⁷⁶ SFRC NPT Hearings, 1969, p 349.

⁷⁷ SFRC NPT Hearings, 1969, p.348.

disarmament measures envisaged by the non-nuclear-weapon states, a lot would depend on the nature of the SALT process. A number of signing statements from non-nuclear-weapon states in the first years of the NPT expressed disappointment at the weakness of Article VI, and the hope and expectation that the NPT would lead to further measures.⁷⁸ If the SALT talks were to be a venue for serious limitations on the superpowers' nuclear forces, with a view to proceeding towards disarmament, Article VI might be seen to have produced something after all.

But the motivations behind SALT, and the body of theory upon which it rested, meant that the significance of the talks would come mainly from their intrinsic value as a sign of superpower cooperation. The negotiations were not in any meaningful sense guided by the belief that fewer nuclear weapons were intrinsically better, nor did they lead to the removal of any weapons where there were not already very good national reasons for destruction or non-development.

Here it is worth a brief look at the strategic concepts on which SALT was based. The talks shared with the NPT a basic desire to head off the worst excesses of an uncontrolled nuclear future, and they were viewed with interest by non-nuclear-weapon states as an opportunity finally to turn back the nuclear arms race by removing what was seen as a new and especially dangerous feature. The simultaneous emergence of anti-ballistic missile defences (ABM) and missiles with multiple independently targetable re-entry vehicles (MIRV) had seemingly raised the prospect of a forever escalating offence-defence competition. MIRVed missiles would tend to allow for superior penetration of an anti-ballistic missile defence system by saturating that system with too many targets to intercept. This prospect would, it was argued, act as a spur to further development and deployment of ABM, which in turn would encourage further

⁷⁸ See e.g. those of Japan (3 February 1970, available at <http://disarmament.un.org/treaties/a/npt/japan/sig/london>), Australia (27 February 1970, available at <http://disarmament.un.org/treaties/a/npt/australia/sig/london>), and Indonesia (2 March 1970, available at <http://disarmament.un.org/treaties/a/npt/indonesia/sig/london>).

development and deployment of MIRVed offensive forces, to restore a degree of certainty to retaliatory threats.

Not only would such competition be inherently bad as a possible spur to conflict, it was argued, but the byproducts of this competition could be destabilising, by presenting first-strike incentives: firstly, very roughly speaking, a smaller number of MIRVed missiles could be used to destroy a larger number of missiles on the ground (an improvement in the aggressor's 'exchange ratio'), raising the possibility of a first strike that removed the adversary's capability to inflict unacceptable damage in response; secondly, an effective ABM system could embolden an aggressor by encouraging the belief that ABM would be able to deal with whatever forces were left after the aggressor's first strike, again removing the threat of effective retaliation.⁷⁹

However, the arms race dynamic presupposed by this model of the offence-defence balance failed to explain much of what was happening in the field of strategic armaments between the superpowers. For one thing, the link between ABM and MIRV development was not necessarily as clear as commonly thought. The motivation for MIRV had in fact stemmed in part from a straightforward desire to improve offensive counterforce capabilities, a motivation which would remain in place with or without the development of ABM.⁸⁰ Moreover, the interaction between force planning on either side of the superpower relationship was complex, and not a simple matter of action and response.⁸¹ As a result, SALT became less of an exercise in halting the arms race *per se*, and more a means of, firstly, mutually exploring the dynamics of arms competition, and, secondly, setting boundaries, both to increase predictability and to avoid developments mutually deemed to be particularly dangerous. Certainly, reductions for the sake of

⁷⁹ William C. Potter, 'Coping with MIRV in a MAD World', *Journal of Conflict Resolution* 22:4 (December 1978), pp. 600-5.

⁸⁰ See Milton Leitenberg, *Studies of Military R&D and Weapons Development* (1984), specifically Case Study 3: The Origin of MIRV, reproduced as a Federation of American Scientists E-Print, available at <http://www.fas.org/man/eprint/leitenberg/mirv.pdf>.

⁸¹ See Freedman, *Evolution of Nuclear Strategy*, p. 330-1.

reductions were not the aim. As Freedman puts it, '[t]he concept of mutual assured destruction did not indicate any value in reductions of offensive weapons. If anything, excessive reductions could be destabilizing if they went past the point where destruction could no longer be assured.'⁸²

This being the case, the outcomes of SALT were at the same time highly significant and deeply frustrating. They were significant in the sense that the superpowers had accepted the basic need for some form of nuclear restraint, and with it the proposition that their security, and global security, made the management of nuclear arsenals more than a strictly national concern. They were frustrating, however, inasmuch as they did nothing to suggest a belief in the inherent undesirability of nuclear deterrence, or to affect fundamentally the momentum of planning, development and deployment of strategic nuclear forces. These were new rules for the game, not game-changers.

In May 1972, after more than two years of negotiations, Nixon and Brezhnev signed the Anti-Ballistic Missile Treaty and an Interim Agreement on offensive strategic forces. The ABM Treaty was the more clear-cut of the two measures, essentially preventing the development of an ABM system by either side that could threaten the credibility of the other's strategic deterrent; instead, the parties were limited to two separate hundred-launcher deployments each, one around the capital city and one around an Intercontinental Ballistic Missile (ICBM) basing site. The Interim Agreement, which had a duration of five years and did not carry the legal force of a treaty, provided for the following: the parties would not construct any new fixed land-based ICBM launchers after 1 July 1972; it prevented the conversion of land-based launchers for light or pre-1964 model ICBMs into silos for land-based launchers for new heavy ICBMs; and it limited the number of Submarine Launched Ballistic Missile (SLBM)

⁸² Freedman, *Evolution of Nuclear Strategy*, p. 339.

launchers and nuclear-armed submarines to the numbers operational and under construction at the time of the treaty. (For the US, this meant 710 SLBMs and 44 SSBNS; for the USSR, 950 SLBMs and 62 SSBNs.) Importantly, each side was permitted to modernise or to replace its ICBM and SLBM missiles and launchers, within the numerical limits established above, and no limitation was placed on the development or deployment of MIRVed systems. The Agreement made no statement on non-strategic forces or on strategic bombers, nor did it deal at all with the question of warhead stockpiles.⁸³

The Interim Agreement did, however, provide for continued negotiations and was followed up, after a second round of talks, by a joint statement made on 24 November 1974 in Vladivostok. The Vladivostok Agreement set out principles on which a successor to the Interim Agreement could be negotiated. It established that the next SALT agreement should set out aggregate limits both for the total number of strategic offensive missiles (set at 2400 on each side), and, within that total, an aggregate limit for the number of MIRVed missiles (at 1320).

Now, the preambles to both the ABM Treaty and the Interim Agreement held the US and USSR to be 'mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons'. But it was quite clear from their content that although these measures could be marketed as contributions to a favourable context for non-proliferation, they were pursued for reasons independent of those laid out in the Preamble and Article VI of the NPT, and were by no means the signals of a move towards disarmament that non-nuclear-weapon states had been looking for. For an entertaining final word on this topic, we can turn to a taped conversation between Nixon and Kissinger on the eve of the transmission of the SALT accords to Congress. ACDA

⁸³ Interim Agreement Between The United States of America and The Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms, Moscow, 26 May 1972.

had drafted the President's letter to accompany the accords, and something about it caught Kissinger's eye:

KISSINGER: Now, just a minor thing. In the letter in which they are transmitting this thing to Congress... [ACDA] said "This culminates twenty-five years of consistent American policy."—

NIXON: Oh Christ!

KISSINGER: "to bring nuclear weapons under control." Well, I changed this to say, "This represents the efforts of this administration, pursued from 1969 on"—

NIXON: Right! Of course!

KISSINGER:—"to"—

NIXON: The nuclear policy over 25 years, now that's a pure Smith gripe [Gerard Smith, lead SALT negotiator and ACDA Director]...[H]is whole line has been, Henry, that this is the outgrowth of the Nonproliferation Treaty. It has not a goddamn thing to do with the Nonproliferation Treaty and the Test Ban treaty and all the rest. This is nuts. I wasn't for those things, not really.

KISSINGER: I wasn't either.

NIXON: I supported nonproliferation because we had to.⁸⁴

There are plenty of reasons not to take this exchange too seriously: Nixon was famously paranoid about being assigned the credit or blame for SALT, depending on how the negotiations were going, and his private seethings could hardly be taken as binding statements of US policy. However, the conversation is instructive as an example of the vastly divergent purposes that could be assigned to SALT, depending on the audience.

3.4.4 The urgency of non-proliferation: the Indian 'peaceful nuclear explosion'

None of the foregoing, of course, changed the basic nature of the NPT. It merely confirmed that the pattern established during the treaty negotiations would continue: namely, the political relationship between non-proliferation, arms control and disarmament was acknowledged, but no obligation to achieve specific measures of arms control and disarmament was acknowledged by the superpowers. The third nuclear

⁸⁴ Conversation between Nixon and Kissinger, 13 June 1972, FRUS, Vol.E-2, No.58.

power, the United Kingdom, had placed more emphasis on the role of follow-on measures associated with Article VI in ensuring the treaty's success, but was only prepared to advocate for them so long as it did not leave the UK 'out in front' of the Americans.

Certainly, it appeared clear that Article VI would not be used 'persuasively'. Its role was to allow states who saw value in a multilateral non-proliferation agreement to sign the treaty without legitimising the indefinite possession of nuclear weapons, and without abandoning the long-term goal of nuclear disarmament. But, when combined with the practical burden that came with the imposition of IAEA safeguards on national nuclear programmes, the NPT was left with image problems barely less severe than those experienced during its negotiation.

In one sense, when India tested a nuclear device on 18 May 1974 under the guise of a 'peaceful nuclear explosion', these problems were compounded. The Indian explosion was concrete proof of what had been suspected since the beginning of the negotiations: that the NPT would not become universal in the short to medium term, and that non-proliferation efforts would have to cope with states beyond the treaty's reach. India had not found the NPT package persuasive, and in the meantime had spurned desultory US and Soviet efforts to use the supply of economic aid and military equipment as leverage for its signature.

Yet, India's actions also served to prove the urgency of the NPT's goals. The prospect of proliferation beyond the existing five nuclear-weapon powers was now a reality. However, a wide range of states had already made a significant political investment in negotiating the NPT; and many had already signed and ratified it. For these states, one logical course of action was to redouble the efforts to make the NPT viable as an alternative to regional nuclearisation in India's image. India had been a consistent and strident opponent of the NPT settlement as it began to emerge in the

period from 1966-8. In this sense, then, the Indian explosion fixed the stakes for the 1975 NPT Review Conference: a consensus outcome could serve as a reaffirmation of faith in the treaty; a fractious disagreement would indicate that the NPT was headed towards failure.

3.5 Conclusion

This chapter has sketched a picture of the NPT's difficult early years, in which it became clear that the aspirational components of the treaty would be subjugated to its practical *raison d'être*, the prevention of proliferation. On the one hand, the rhetoric of the depositary powers in pushing the NPT through the UN General Assembly, and in announcing the opening of negotiations on their strategic forces on the day of the NPT's signature, reaffirmed the symbolic message of Article VI: that the NPT was intended to form part of a broader process towards disarmament. On the other hand, the political reality that the treaty encountered kept expectations decidedly low. The momentum of the first signatures was checked by the Soviet invasion of Czechoslovakia, which delayed both the beginning of the SALT negotiations and the United States' ratification of the NPT until the beginning of the Nixon administration. Meanwhile, no progress was made on the steps that had been identified by non-nuclear-weapon states as indicators of the nuclear powers' seriousness on disarmament; and SALT, when it came into being, proved to be an instrument for regulating, rather than halting, the superpower arms race.

The events of these early years had ensured that the NPT would be a partial, often unsatisfactory measure. The key question in the years to come, then, was whether a partial and unsatisfactory settlement would remain preferable to attempting the alternatives: either the abandonment of nuclear arsenals worldwide, or national pursuit of nuclear capabilities, halted only by national influence, rather than a multilateral

instrument. The next chapter explores the role played subsequently by debates about Article VI in ensuring that the treaty could survive its contradictions and remain in place as the foundation for the multilateral renunciation of nuclear weapons.

Chapter Four: The role of disarmament in 'NPT diplomacy', 1975-2005

4.1 Introduction

The convergence of worldviews that had produced the non-proliferation treaty at the end of the 1960s would not be seen again for at least twenty years. Instead, states parties (and, increasingly, non-governmental organisations) fell into an identifiable pattern of what might be termed 'NPT diplomacy'. The review conferences, so important a part of the original treaty package, became as planned the venue for the expression of hopes and frustrations – in practice, overwhelmingly the latter – about the implementation of the NPT. Methods were somehow found by which consensus documents, when the conditions were right, could be produced; and these discussions became the primary forum for discussing what would over time become known, with the addition of a number of supplementary mechanisms, as the non-proliferation 'regime'.

In the meantime, the treaty's list of signatories grew steadily, if not dramatically, and overt proliferation appeared to be contained. India's 'peaceful nuclear explosion' remained no more than that, Israel refrained from testing a nuclear weapon, and military nuclear programmes elsewhere were even rolled back. However, the prospect of treaty universality still appeared remote; the superpowers maintained large and sophisticated arsenals of nuclear weapons; and the measures which had been imagined as the next steps towards nuclear disarmament were not forthcoming, despite a great deal of activity in bilateral US-USSR arms control.

When the Cold War ended, and the superpower nuclear rivalry ostensibly ended with it, hopes for serious progress in disarmament understandably increased. The early 1990s saw concrete progress in arms control (most notably the negotiation at long last of a Comprehensive Test-Ban Treaty), the disarmament of the post-Soviet nuclear possessors, and the signature of France and China as nuclear-weapon-state parties to the

NPT. It was in this context that the treaty was extended indefinitely, without a vote, at the 1995 Review and Extension Conference (the allotted 25 year initial duration having elapsed), and an agreement made at the 2000 Review Conference on 13 'practical steps' for future progress in disarmament.

Yet while the diplomatic scenery might have appeared encouraging, the momentum of proliferation in practical terms was heading in the opposite direction. North Korea began in the early 1990s the process that would eventually lead it to test a nuclear weapon in 2006. India and Pakistan, long known to possess covert programmes, brought their nuclear competition into the public domain with a flurry of nuclear weapons tests in 1998. And only six months before the forward-looking agreement in 2000 that laid out a consensus on future disarmament steps, the US Senate had rejected the CTBT, setting the treaty's progress back at least a decade, and perhaps halting it permanently. In 2002, the next – and most intractable – proliferation case emerged, when Iranian opposition activists revealed the existence of a uranium enrichment plant at Natanz.

The NPT, in other words, became a broader and deeper political institution at the same time as its limitations to act as the central instrument for regulating the nuclear order became increasingly apparent. This tension reached a logical end-point, of sorts, in a politically disastrous Review Conference in 2005, the product of a US administration hostile not only to the NPT but to multilateral diplomacy at large, and Middle Eastern states unwilling either to compromise on their push for Israeli disarmament or to allow Iran to become the target of broader diplomatic pressure.

Throughout this process of evolution – during which time the collection of instruments considered part of the non-proliferation regime steadily grew, along with the number of NPT adherents – the conflict inherent in the Article VI compromise was managed through a process of careful diplomacy. It is the characteristics of that

diplomacy, and the challenges it faced in the post-Cold War environment, that form the subject matter of this chapter.

4.2 The practice of 'NPT diplomacy', 1975-1990

4.2.1. The 1975 NPT Review Conference: moderate success

The 1975 Review Conference opened in an atmosphere of pessimism and recrimination. The imminence of the conference had served to persuade several states which had not already ratified to do so (as full participation would be limited to states parties). They included West Germany, Italy, South Korea and the Benelux countries,¹ and the total number of parties now stood at a relatively impressive 93, with three more ratifying during the conference itself. But India's 1974 'peaceful nuclear explosion' had demonstrated beyond question what had been suspected for several years: that the NPT would not be able wholly to prevent proliferation beyond the existing five nuclear-weapon states. And it was already becoming clear that neither India nor Israel would sign. Brazil was still a defiant opponent of the treaty, Japan had not yet ratified, and very few members of the non-aligned movement had signed or ratified.

A significant element in the unhappy politics of the treaty was the direction arms control had taken since the NPT was opened for signature. As discussed in the previous chapter, bilateral talks between the superpowers had produced measures significant in their own right, but hardly indicative of a desire to reverse, or even to cease, the nuclear arms race. Nor had there been any progress towards a comprehensive test-ban treaty, a fissile material cut-off, or stronger security assurances towards non-nuclear-weapon states. This situation led some observers to frame the 1975 Review Conference as one with very high stakes: a last chance to prove that the treaty was a first step towards

¹ William Epstein, 'Nuclear proliferation: The failure of the review conference', *Survival* 17:6 (1975), p. 262.

disarmament, before international confidence in its usefulness dissolved forever.

But, as was explored in the previous chapter, the basic settlement at the heart of the treaty had not changed. There was nothing in the text to make the continued existence of the NPT dependent in legal terms on progress in disarmament, and, although the tangible outcome of SALT I was unsatisfactory to many non-nuclear-weapon states, the superpowers' willingness to negotiate had satisfied the basic political requirement of the NPT compromise, demonstrating at least a degree of mutual self-restraint. Importantly, although the motivation for SALT and the ABM treaty may not have stemmed from the need to live up to commitments made in the NPT context, the superpowers were careful to make sure of their presentation in that context: the preambles to both the ABM Treaty and the 1972 Interim Agreement declared the superpowers to be 'Mindful of their obligations under Article VI...'

From today's perspective, in which NPT Review Conferences are an established and familiar part of the multilateral diplomatic landscape, a key feature of the 1975 conference was the uncertainty surrounding its proceedings and outcome. After all, the text of the treaty only specified that the states parties would gather 'in order to review the operation of [the NPT] with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised'.² But would the states parties in 1975 vote on resolutions? Would this conference perhaps even double as a forum for passing treaty amendments? If these questions seem arcane, they were not treated as such by the depositary powers. Their sole aim for the 1975 Review Conference (RevCon) was to produce an outcome that would demonstrate to potential signatories that the treaty was basically viable; and, in the absence of a positive outcome along those lines, to avoid damaging the treaty by revealing profound disagreements between the parties. That being the case, they lobbied in the RevCon's preparatory meetings for the conference to

² Non-Proliferation Treaty (1970), Article VIII.3.

proceed on the consensus rule, and succeeded in achieving the adoption of corresponding rules of procedure. The Conference determined on its opening day that 'every effort should be made to reach agreement on substantive matters by means of consensus', and that 'there should be no voting on such matters until all efforts to achieve consensus have been exhausted'. If initial efforts failed, the President of the Review Conference was to defer the vote for 48 hours and attempt to produce consensus during that period. Only then, if consensus was still out of reach, would a vote take place, and it would have to be carried by a two-thirds majority.³

This being the case, it was unlikely that the conference would be able to stray far beyond the parameters of what had been agreed in drafting the treaty in 1968. The principal difference was that, having signed and ratified the treaty, the states parties participating in the Review Conference had invested a significant amount of political capital in the NPT, and now had a stake in making it appear a worthwhile project – not to mention that those who had opposed the treaty most vociferously on account of its discriminatory foundation had mostly not signed it, and were therefore not present to force a different outcome. The broad dynamic of the conference, therefore, was largely predictable, and centred around two parallel processes. Firstly, as had been intended (see Chapter Two), the review provided an opportunity for the non-nuclear-weapon states to pressure the nuclear powers on their disarmament commitments. In the conceptual framework used by this thesis, it allowed some non-nuclear-weapon states to advocate a different model of nuclear order, one with an 'active' process of disarmament, and without a role for nuclear deterrence.

Just as in the original treaty negotiations, this model took shape through an attempt to impose strict conditionality between non-proliferation and disarmament. In

³ Final Document of the Review Conference of the Parties to the Treaty on the non-proliferation of nuclear weapons, Geneva, 1975 [hereafter 1975 Review Conference], Rules of Procedure, 9 May 1975, NPT/CONF/20.

the 1975 Review Conference, this attempt was led by Mexico's Garcia Robles. Robles advocated the adoption of two 'Additional Protocols' to the NPT, introduced by Mexico in the lead up to the Review Conference. One protocol would have imposed on the NPT's depositary powers a ten-year suspension of nuclear tests once the NPT's parties numbered a hundred; rolling three-year extensions to the suspension for every additional five states parties added; and a commitment to transform the suspension into a multilateral treaty once France and China indicated their willingness also to join a test-ban.⁴ The other protocol would have imposed a similar mechanism linking the NPT with arms reductions, involving a fifty percent reduction from the levels set in Vladivostok for the US and USSR's strategic nuclear delivery vehicles once the treaty reached a hundred states parties (with a corresponding reduction in the ceiling for MIRVed missiles), and further ten percent reductions for every ten additional parties to join.⁵

This was essentially India and Sweden's 'package deal' in revised form – and the new deal was received in much the same way as the old. It was given broad statements of support by a number of non-aligned states, and attracted a number of additional co-sponsors. But, like the original package deal, the additional protocols were rejected out of hand by the nuclear powers as an attempt to amend the treaty. Victor Israelyan, for the USSR, called them 'entirely unacceptable, not only as regards substance, but also form',⁶ and refused to discuss their contents. David Klein, for the United States, took a softer tone, acknowledging the difficulties in test ban negotiations and rehearsing the US position on the weakness of an interim moratorium, but arrived at the same

⁴ Final document of the 1975 NPT Review Conference, 30 May 1975, 'Working Paper Containing a Draft Additional Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons Regarding Nuclear Weapon Tests', NPT/CONF/35/1, Annex II, pp.3-4.

⁵ Reproduced in Final Document of the 1975 NPT Review Conference, 30 May 1975, 'Working Paper Containing a Draft Additional Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons Regarding the Implementation of its Article VI', NPT/CONF/35/I, Annex II, pp. 6-8.

⁶ Final Document of the 1975 NPT Review Conference, 30 May 1975, Part III, Summary Records, NPT/CONF.C.I/SR.13, p. 220.

position.⁷

Crucially, however, the protocols failed to attract much support from the conference's 'middle ground', and were actively opposed by both Western and Eastern non-nuclear-weapon states, including Belgium, the Netherlands, Bulgaria and Czechoslovakia.⁸ Their mere fact of their existence also had a tactical effect which worked to the depositary powers' benefit, in that much of the work of the main committee charged with discussing the implementation of Article VI was reduced to a debate on the protocols. In fact, large portions of the debate were taken up by increasingly ill-tempered exchanges between various opponents of the protocols and Robles himself, who frequently used Mexico's right of reply to defend them. As the Foreign Office's internal report noted, Robles' tactics 'disposed of the danger that the NWS might have to cope with moderately worded resolutions acceptable to nearly everyone, which might have isolated them'.⁹

Work on other issues had proved somewhat more constructive – though marked by complaints by developing countries over the inadequacy of assistance provided to them in peaceful nuclear energy – but the stalemate in Main Committee 1 over disarmament meant the conference was in a state of disorder entering its final week, with a number of draft final documents circulating, containing a large amount of bracketed language still to be agreed.¹⁰ On the penultimate day of the conference the Drafting Committee reported that it was only able to transmit the reports of the Main Committees (themselves only a summary of views rather than the basis for an agreed text), along with several documents to be considered for inclusion.¹¹

⁷ NPT/CONF/C.I/SR.13, pp. 221-222.

⁸ See NPT/CONF/C.I/SR.3 p. 164; NPT/CONF/C.I/SR.5, p. 176; NPT/CONF/C.I/SR.1, p. 149; and NPT/CONF/C.I/SR.4, p. 168, respectively.

⁹ UK Foreign and Commonwealth Office, 'The Non-Proliferation Treaty Review Conference – A Close Run Thing', FCO Diplomatic Report No. 251/75, 17 June 1975, reproduced in UKNA, FCO 21/1441, 'Japan and non proliferation', para.13.

¹⁰ FCO, 'A Close Run Thing', para.17.

¹¹ See Report of the Drafting Committee, NPT/CONF/32, 29 May 1975.

At this point, the President of the Conference, Sweden's Inga Thorsson, intervened: she distributed her own draft final declaration as the basis for a consensus outcome, but leaving open the possibility of states parties separately issuing reservations to it. The precise authorship of the draft's contents is unclear. Certainly, it was presented as Ambassador Thorsson's own work, based on her judgement of the elements necessary for a consensus outcome. There are oblique references in British documents, however, to the possibility (a rumour heard occasionally since that time) that significant portions of the document were written by the Foreign Office and supplied to Thorsson.¹² In either case, it was a pivotal intervention. The document was loosely-worded enough to be able to attract support from the depositaries and moderate non-nuclear-weapon states, including many among the non-aligned.

Crucially, the majority of the latter group were persuaded, as William Epstein put it, that 'the failure to adopt some form of declaration might be more harmful to the NPT than the adoption of a largely meaningless one'.¹³ The remainder were convinced to go along with the outcome when it was decided in informal consultations that they would be allowed to attach to the final declaration a statement of reservation, specifying that it was to be read in the context of the proposals for additional treaty protocols, which were themselves to be transmitted, but not endorsed, as annexes to the final document. This agreement was hurriedly concluded in the final hours of the conference, which closed on the evening of Friday 30 May 1975.

What then, of the substance of the document? The Foreign Office summary of the 1975 Review Conference described it as a 'qualified success':

The solidarity of the Parties in seeking to prevent further proliferation was demonstrated. The NWS got through without being pilloried, without having to make damaging concessions, without parting company. The NNWS got a recommendation for preference for NNWS Parties in technical assistance, a

¹² See JC Edmonds to Coles, Memorandum: NPT Review Conference, 2 June 1975, and JC Edmonds to RHG Edmonds, Memorandum: NPT Review Conference, 10 June 1975, both in UKNA, FCO 66/740, Non Proliferation Treaty Review Conference: Follow up, Docs. 2 and 12 respectively.

¹³ Epstein, 'The failure of the review conference', pp. 267-8.

blessing for nuclear free zones, a call to the NWS to do better in nuclear disarmament – and a platform on which to criticise them, both at this stage and in 1980.

This, broadly speaking, was a fair description. If the conference had not done much to provide active incentives for other states to sign the NPT, the achievement of a final declaration had at least demonstrated that the treaty was workable, and that there was consensus among its states parties on implementing its *raison d'être*, its non-proliferation provisions. Since the treaty's entry into force there had been agreement in 1972 on the outline of IAEA safeguards, and in 1973 on the IAEA's relationship with Euratom, and at the core of the final declaration was an endorsement of the essential role of the IAEA.¹⁴ This, in combination with a call for the developed states parties to consider 'taking measures, making contributions and establishing programmes, as soon as possible, for the provision of special assistance in the peaceful uses of nuclear energy for developing States Party to the Treaty';¹⁵ a recommendation for supplier states to give weight to NPT adherence in deciding on cooperation in nuclear energy;¹⁶ and an endorsement of the principle of non-proliferation-related export requirements for nuclear trade,¹⁷ offered the possibility of tangible future benefits to a varied cross-section of states.

The Final Document's section on Article VI essentially acknowledged the non-nuclear-weapon states' frustrations over the lack of progress in disarmament, noting the Conference's 'serious concern that the arms race, in particular the nuclear arms race, is continuing unabated,' and urging 'constant and resolute' efforts to implement Article VI.¹⁸ The declaration contained an 'appeal' to the nuclear powers 'to make every effort to reach agreement on the conclusion of an effective comprehensive test ban'; but its call

¹⁴ Final Declaration of the 1975 NPT Review Conference, NPT/CONF/35/I, Annex I, Review of Article III, p.3.

¹⁵ NPT/CONF/35/I, Annex I, p. 5.

¹⁶ NPT/CONF/35/I, Annex I, p. 5.

¹⁷ NPT/CONF/35/I, Annex I, p. 4.

¹⁸ NPT/CONF/35/I, Annex I, p.8.

for a test moratorium was qualified with the language that this only reflected the 'desire' of a 'considerable number of delegations at the Conference'.¹⁹ It also called for a follow-on to the Vladivostok agreement, and urged redoubled efforts to make progress in the CCD.²⁰ It contained no language, however, making the continued existence or implementation of the non-proliferation provisions of the NPT conditional on the achievement of any of these disarmament objectives.

At the conclusion of the conference, Garcia Robles was overheard to remark to the Polish ambassador that the non-nuclear-weapon states had 'given the Super Powers a warning': that the NPT would be difficult to sustain without significant progress on disarmament.²¹ Quietly, however, the 1975 Review Conference had proven that, given sufficient desire among the states present for an outcome that would in basic terms reaffirm the usefulness of the NPT, these tensions could be overcome. In resisting the development of forums with a more aggressive mandate, like the perpetuation of the work of the Conference of Non-Nuclear-Weapon States (NNC), whilst stonewalling progress in the Conference of the Committee on Disarmament, the nuclear powers (and particularly the superpowers) had quite successfully diverted debate about the progress of nuclear disarmament into the forum of NPT Review Conferences. Although reached more by accident than by conscious design, this structure proved to be an effective way of exercising control over the pace of disarmament negotiations. The nuclear powers ceded, in this arena, the moral high ground: NPT review conferences would act as a pressure valve for releasing the frustration of (primarily) the non-aligned states at the lack of progress on a transformative disarmament agenda. At the same time, the nuclear powers recognized that any leverage non-nuclear-weapon states might gain in this context would involve an implicit threat to the well-being of the NPT.

¹⁹ NPT/CONF/35/I, Annex I, p.8.

²⁰ NPT/CONF/35/I, Annex I, p.8.

²¹ Recorded in FCO, 'A Close Run Thing', para.28.

4.2.2 The 1980 NPT Review Conference: moderate failure

In terms of its mechanics, the 1980 NPT Review Conference strongly resembled its predecessor: the only difference was that this time the last-minute compromise that had produced a consensus outcome in 1975 proved elusive. This was due, in large part, to diplomatic tactics. The non-aligned states had learned their lesson from their first experience of a Review Conference, and approached 1980 in a much more organised fashion.

The depositary powers were well aware that consensus on a substantive final document was going to be a hard sell, and that the issue of the Comprehensive Test-Ban Treaty would be central. These fears were proved correct even before the conference began. The non-aligned states played an intelligent bureaucratic game to prevent the nuclear powers from exerting control over the process, with two ploys. Firstly, they engaged in delaying tactics to impede work on a draft final declaration in preparatory meetings, ensuring that no ground was given up in advance of the review conference itself.²² Secondly, as a response to what had been seen as a top-down settlement in 1975, the non-aligned vigorously opposed Inga Thorsson's return as conference president, rallying unanimously instead around the Iraqi diplomat Ismat Kattani. This effectively removed the possibility of a convenient collaboration between the depositary powers and the president to manufacture a final document – the manoeuvre that had ultimately saved the previous conference.

After his defeat (at least in symbolic terms) at the 1975 Review Conference, there was perhaps a hint of personal score-settling in Garcia Robles' warning to the British that if a CTBT was not negotiated before the 1980 conference, there would be 'hell to pay'.²³ Nevertheless, Robles' view was echoed by a wide range of states in pre-

²² Letter Summerhayes to Reeve, 2 April 1980, UKNA, FCO 66/1482, No.110.

²³ Record of the Western Coordination Meeting on the NPTRC held in Geneva, 23 June 1980, UKNA, FCO 66/1483, No.185, para.41.

conference consultations, including some within the Western Group.²⁴ The nuclear powers were on less than solid ground in this debate: they had been engaged since 1977 in tripartite talks, but, as Rebecca Johnson has explained, these had run aground over disagreements concerning the level of intrusiveness necessary to verify a CTBT (here, the Soviet Union had always been more resistant than the United States), as well as internal US objections over the need to retain a testing capacity to assure warheads' safety and reliability, which led to President Carter's including a provision to allow tests of very small yield.²⁵

There were also some unhelpfully-timed announcements on nuclear weapons development in the months immediately before the Review Conference. NATO had voted in December 1979 to modernise its long-range theatre nuclear forces (LRTNF). This was in response partly to Soviet deployments of the mobile intermediate-range SS-20 ballistic missile in Europe – disquieting to the organisation's Western European members – partly to an overall perception that NATO lacked the capability to respond to a limited nuclear war instigated by the Soviet Union on European soil, without a reaffirmation of the US commitment to the defence of Europe.²⁶ At almost exactly the same time, the UK had committed to replacing its Polaris SLBMs with the new Trident system being developed by the United States. In fact, the British debate over the decision to acquire Trident, and to announce that acquisition, is a measure of the extent to which debates about the NPT could be insulated from the 'real-world' politics of nuclear weapons. The papers of the 'Duff-Mason Report' – the civil service enquiry into the necessary successor to Polaris – show that the proliferation downside of the UK perpetuating its nuclear deterrent was considered only very briefly, and discarded.

²⁴ Memorandum Barlow/Curran, 'Records of the Western Group and Depositary Meeting', 1 July 1980, UKNA, FCO 66/1483, No.W185.

²⁵ Rebecca Johnson, *Unfinished Business: The Negotiation of the CTBT and the End of Nuclear Testing* (New York and Geneva: UNIDIR, 2009), p. 22.

²⁶ For a summary, see Tanya Ogilvie-White, *On Nuclear Deterrence: The Correspondence of Sir Michael Quinlan* (London: IISS, 2011), pp.169-178.

Moreover, the timing of the NPT Review Conference did nothing to prevent Margaret Thatcher announcing Polaris's replacement in late July 1980, despite the qualms of those involved in the NPT process. A worried Foreign Office official circulated a memorandum in late June warning that 'the two Western NWS will...be extremely vulnerable over the Article VI debate', and argued for any announcement to be postponed until after the Review Conference.²⁷

The unhappy timing of these announcements serves as a reminder of the uphill task facing NWS diplomats in the NPT review process. For the most part, their job was to manage the political implications of decisions already made on nuclear weapons policy, and somehow to set out future priorities that would be acceptable to the non-nuclear-weapon states, whilst not being inconsistent with their capitals' existing positions. A logical result of this was the agreement – perhaps surprising given the level of friction in the superpower relationship at the time – to refrain from making the Review Conference the subject of an East-West propaganda war. The Western powers accepted that their position on Article VI matters was weak, and believed it was important to gain Russian support for a cooperative approach – and indeed, at a trilateral meeting in late June 1980, the three depositary powers agreed to avoid 'quarrels' between them caused by attempts to apportion blame for slow progress in arms control.²⁸

Nuclear-weapon state unity, however, was not enough to produce a consensus outcome. The 1980 Review Conference opened on 11 August. Its first week was taken up with speeches to the general debate and to the main committees which frequently criticised the NWS for their lack of progress in implementing Article VI. Working papers were then tabled at Main Committee I which laid out the non-nuclear-weapon

²⁷ Reeve to Moberly and Acland, Letter: NPT Review Conference and Polaris Replacement, 25 June 1980, UKNA, FCO 66/1483, No.162.

²⁸ 'Record of Depositaries Meeting at UK Mission, Geneva', Memorandum of Conversation, 24 June 1980, UKNA, FCO 66/1483, No.184.

states' demands in more detail. Sweden had 'served notice' in advance on the Western NWS that it would be pushing hard on disarmament, because of heightened domestic expectations about the ratification of SALT II and the negotiation of a CTBT. It now tabled a paper stating that Article VI had thus far 'hardly had any effect on the nuclear arms race', and calling for negotiations in the Conference on Disarmament on the priorities laid out by the 1978 UN Special Session on Disarmament (SSOD) (see below for their inclusion in the 1985 Final Document). It urged the establishment of an ad hoc CD working group on the CTBT issue, and called for measures to halt the qualitative development of nuclear weapons.²⁹ The non-aligned group (operating under the G77 label), led again by Garcia Robles, tabled a similar paper, which argued that the provisions of Article VI 'have not been fulfilled and have largely remained [a] dead letter'. It also called for negotiations in the CD on the SSOD agenda, a commitment to an immediate start on SALT III negotiations, the establishment of a CD working group on the CTBT, and an immediate nuclear testing moratorium.³⁰

These demands were ambitious, to say the least. Beginning negotiations on the SSOD agenda was a non-starter for the nuclear-weapon states, as it essentially amounted to beginning work on a comprehensive disarmament agreement, including a total freeze on the production of nuclear weapons and material, a prohibition on qualitative improvement of nuclear weapons, and a phased timeline for their total elimination.³¹ Beginning SALT III negotiations and implementing a nuclear test moratorium were both measures that would have required a significant investment of political capital in Washington, which the 'lame-duck' ending of the Carter presidency essentially made impossible. That left the establishment of a CD working group on the

²⁹ Final Document of the 1980 Review Conference, Sweden, 'Working Paper on the Review of Article VI', NPT/CONF.II/C.I/1, 25 August 1980.

³⁰ Final document of the 1980 Review Conference, G77, Working paper, NPT/CONF.II.C.I/2, 26 August 1980.

³¹ Memorandum 'The Second Review Conference of the Non-Proliferation Treaty: A Warning', Geneva to Foreign Office, 10 September 1980, UKNA, FCO 28/4065, W5, para.5.

CTBT as the final possibility for compromise. After listening both to the intensity of the non-aligned states' complaints and to more moderately-worded but still significant remarks from some Western NNWS, the US eventually offered to accept the establishment of a CD working group on the CTBT, as long as this meant the abandonment of the other demands.³²

Negotiations among a subset of states in Main Committee II had produced a text that seemed likely to form the basis of agreement on the peaceful uses of nuclear energy, and perhaps on the role of IAEA safeguards. But the United States' compromise on the CTBT issue proved too little, too late for the non-aligned states who may in any case have intended all along to block a consensus outcome as a mark of dissatisfaction with the state of disarmament, whatever was offered.³³ The conference ended without issuing a final declaration on Sunday, 7 September. Yet, despite the absence of a final declaration, the conference had not damaged the basic proposition that the NPT was workable, if still unequal. No attempt had been made to amend the treaty; no states had threatened withdrawal; and an acceptable formulation had almost been found to express states' priorities where the practical obligations on safeguards and the peaceful uses of nuclear energy were concerned.

4.2.3 The 1985 and 1990 NPT Review Conferences: the pattern is repeated

The next two review conferences followed a similar pattern to their predecessors. Again, the nuclear-weapon states had little to offer in terms of progress on disarmament; again, the central priority for the non-nuclear-weapon states was the negotiation of a CTBT. The fact that the conferences produced differing outcomes – in 1985, reaching a final document; in 1990, collapsing without one – was in large part the product of

³² As recorded in Geneva to FCO, Cable: Review Conference of the Nuclear Non-Proliferation Treaty (NPT): Conclusion, Geneva 88, 7 September 1980, UKNA, FCO 66/1485: Non-Proliferation Treaty Review Conference, No.335, para.18.

³³ As hypothesised in Geneva to FCO, 7 September 1980, para.24.

atmospherics, personalities, and diplomatic tactics.

The prevailing view in the months approaching the 1985 RevCon, as the US head of delegation Lewis Dunn put it, was that 'without an "arms control breakthrough" before September 1985 another "failure" could not be avoided'.³⁴ That no such breakthrough was forthcoming, yet the conference managed to conclude a final document and was viewed, broadly speaking, as a 'success', is a symptom of the peculiarities of NPT diplomacy. It is particularly striking when compared to the 1990 conference, which was preceded by a significant 'arms control breakthrough' in the form of the Intermediate Nuclear Forces (INF) Treaty, yet apparently ended in failure. How was it that consensus could not be reached in 1990, when the climate for arms control was more welcoming, but was possible in 1985, after a period in which President Reagan had moved towards a renewed arms race 'with the force of an avalanche'?³⁵

Agreement on a final document in 1985 was ultimately made possible by sleight of diplomatic hand: the adoption of a non-consensus form of language to describe the recommendations of the conference regarding the CTBT. That language explained that 'The Conference except for certain States... deeply regretted' that a CTBT had not yet been concluded, and called for the resumption of negotiations in 1985 as the highest priority in the Conference on Disarmament. A sub-paragraph, however, outlined the views of those 'certain States', in this case the US and UK, who while 'committed to the goal' of a CTBT, 'considered deep and verifiable reductions in existing arsenals of nuclear weapons as the highest priority in the process of pursuing the objectives of Article VI'.³⁶ The rest of the document's statements on disarmament were broadly familiar from the 1975 Final Declaration, in particular noting the development of the 'destructive potentials' of the NWS nuclear arsenals, including spending on research and

³⁴ Lewis Dunn, 'Building on success: The NPT at fifteen', *Survival* 28:3 (1986), p.222.

³⁵ Walton L. Brown, 'Presidential Leadership and U.S. Nonproliferation Policy', *Presidential Studies Quarterly* 24:3 (Summer 1994), p.567.

³⁶ Final Declaration of the 1985 NPT Review Conference, 25 September 1985, NPT/CONF.III/64/I, Annex I, Article VI and preambular paras.8-12, B, para. 12.

development, continued testing, and the development and deployment of new delivery systems.³⁷ One item of novelty was the inclusion (without endorsement) of the results of the 1978 UN Special Session on Disarmament, which had outlined measures necessary for the achievement of nuclear disarmament, namely:

- a) Cessation of the qualitative improvement and development of nuclear-weapon systems;
- b) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;
- c) A comprehensive, phased programme with agreed time-tables whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.³⁸

In essence these measures were indistinguishable from those that had been proposed as part of the 'package deal' during the negotiation of the NPT. However, their inclusion in the final document without endorsement was simply a sign that they remained the indicators by which progress towards disarmament would be judged; they said little about how the impetus towards disarmament of this sort could be created – a good example of what Paul Power calls the 'liberal use' in the 1985 final document of the technique of simply noting points of view, rather than insisting on a firm opinion.³⁹ However, these broad brush strokes, plus the compromise language on the CTBT, were enough to form the basis for consensus on the final document, allowing substantive declarations on the applications of safeguards, principles for nuclear trade and other issues, to be preserved. Of particular note was a call for nuclear exporters to secure a commitment to non-proliferation and the acceptance of IAEA safeguards by the recipient state;⁴⁰ a call for bilateral co-operation agreements in peaceful nuclear energy to fulfil Article IV, plus recognition of the interest in assuring predictable long-term

³⁷ Final Declaration of the 1985 NPT Review Conference, 25 September 1985, NPT/CONF.III/64/I, Annex I, Article VI and preambular paras.8-12, B, para.6.

³⁸ NPT/CONF.III/64/I, Annex I, Article VI and preambular paragraphs 8-12, A, para.4.

³⁹ Paul F. Power, 'The Mixed State of Non-Proliferation: The NPT Review Conference and Beyond', *International Affairs* 62:3 (Summer 1986), p.478.

⁴⁰ NPT/CONF.III/64/I, Annex I, 'Article III and preambular paragraphs 4 and 5', para. 4

supply;⁴¹ and several references to the particular energy needs of developing states.

The Review Conference of 1990 failed in part because the non-nuclear-weapon states would not accept this kind of compromise again, and in part because of less competent diplomatic management. Just as there was a feeling in 1980 that the NNWS would rather block a final document than settle for half-measures, so in 1990 the Review Conference collapsed without consensus when a group of NNWS refused to accept a last-minute compromise on language to describe the CTBT – and with the previous conference generally perceived to have been successful, there was no longer a feeling that such a collapse would seriously damage the non-proliferation regime. The clearest account of this is provided in a co-authored account of the conference by Harald Mueller, David Fischer and Wolfgang Koetter. As Mueller et al. note, '[i]t was obvious throughout that neither the USA nor the UK would commit themselves to a moratorium on nuclear testing or to the early negotiation of a CTBT'.⁴² However, towards the end of the conference, as it became clear that the CTBT issue could be the decisive obstacle to a consensus final declaration, the US delegation sought new instructions and circulated an informal paper acknowledging the link between the CTBT and 'the long term viability', an implicit reference to the impending decision in 1995 on the treaty's extension.⁴³ The emergence of a compromise text on other Article VI issues, including recognition of the entry into force of the 1987 Intermediate Nuclear Forces Treaty between the US and USSR, raised hopes that this concession from the United States could prove decisive. However, US and Soviet insistence that it be accompanied by a paragraph explaining their intent to proceed in the meantime with intermediate limitations on testing met with an unshakeable refusal from the Mexican delegation,

⁴¹ NPT/CONF.III/64/I, Annex I, 'Article IV and preambular paragraphs 6 and 7', paras 4-6.

⁴² Harald Mueller, David Fischer and Wolfgang Koetter, *Nuclear Non-Proliferation and Global Order* (Oxford University Press, 1994), p 93.

⁴³ Mueller et al, *Nuclear Non-Proliferation and Global Order*, p. 94.

which had pushed particularly hard on the CTBT issue throughout the conference.⁴⁴

This stand-off could not be resolved in the conference's final hours, and no final declaration was agreed.

Again, however, the conference had seen repeated expressions of support for the treaty's overall importance, and although a consensus decision could not be reached, the treaty had survived another round of argument with its basic premises unchallenged, and without any serious signals that the evident dissatisfaction of its parties would lead them to withdraw. Moreover, outside of the standoff over the CTBT issue, it had proved at least feasible to get agreement on a wide range of substantive issues relating to non-proliferation and the governance of civil nuclear energy, even if these were now not recorded in a consensus document.⁴⁵ Like the 1980 conference, the 1990 NPT Review Conference was an example of the ability of NPT diplomacy to allow the clear expression of discontent over the implementation of disarmament obligations without damaging the basic settlement of the treaty itself. And it had done nothing to disprove the conclusion reached by Joseph Nye before the 1985 Review Conference: that 'for the present, most states [were] likely to accept some ordered inequality in weaponry because anarchic equality appear[ed] more dangerous'.⁴⁶

4.3. The 1995, 2000, and 2005 Review Conferences: the bargain reframed?

4.3.1. 1995: A new bargain, or a messy repeat of 1968?

The 1995 NPT conference was different from its predecessors in that it had a practical matter on which to decide: namely, the extension of the treaty after its initial duration of 25 years. Because of this, the stakes for the conference outcome were high, as was the

⁴⁴ Mueller et al, *Nuclear Non-Proliferation and Global Order*, pp. 95-6.

⁴⁵ William Epstein, 'Conference a Qualified Success', *Bulletin of the Atomic Scientists* (December 1990), p. 47.

⁴⁶ Joseph S. Nye Jr., 'NPT: The Logic of Inequality', *Foreign Policy* No. 59 (Summer 1985), p. 130.

level of political interest shown by states parties.⁴⁷ In fact, the 1995 conference attracted the most senior-level input and planning of any in the NPT's history. The conference was faced with a variety of options regarding extension, and a certain ambiguity in the manner in which it was supposed to choose between them, which meant in the lead up to the conference there was genuine uncertainty about its likely outcome. The context in which the conference would be convened, moreover, was unusually fluid, a natural consequence of the end of the Cold War. Equally significant would be the presence of China and France, who, having long regarded the NPT as an unattractive proposition, had been persuaded (albeit for different reasons) that it represented the best option for the management of the nuclear problem in the new security environment, and had both acceded as nuclear-weapon state parties to the treaty in 1992. Moreover, although the NPT was yet to escape its reputation as an unequal treaty, the management through NPT diplomacy of the tension between disarmament and non-proliferation had at least meant the issue had not stood in the way of the accumulation of an ever-growing number of non-nuclear-weapon state signatures and ratifications: by 1995, the total number of states parties participating in the review conference stood at 175.

Despite the novelty of the international situation, however, the dynamic, if not the content, of debates over the NPT in the run up to 1995 bore striking structural similarities to the debates of the mid-1960s. This argument rests on three propositions: that the threat of further proliferation, and the dissemination (and threat of further dissemination) of nuclear technology, highlighted the prospect of a more dangerous, and less controllable, nuclear order; that the nuclear powers, led again by the United States, proved willing to accept some moderate restraints on their freedom of action in the nuclear sphere in order to gain international agreement on confronting this danger, and that those restraints were framed around Article VI; but that the settlement reached in

⁴⁷ John Simpson and Darryl Howlett, 'The NPT Renewal Conference: Stumbling toward 1995', *International Security* 19:1, p. 41.

the context of the NPT amounted to a minimalist political compromise between the paradigms of deterrence and disarmament, with no explicit conditionality between non-proliferation and disarmament. The mechanics of the process by which this settlement was reached, moreover, sit firmly in the tradition of what this thesis has termed 'NPT diplomacy'.

Despite success in attracting signatures and ratifications, and in embedding in a general sense a norm against proliferation, many of the worst fears expressed at the time of the NPT's conclusion had proven correct. Proliferation had taken place outside of the treaty: Israel (it is widely believed) and South Africa had built nuclear stockpiles, possibly in collaboration with each other, and one or the other was suspected of having tested a weapon in the Indian Ocean in 1979; and South Africa's stockpile was only dismantled in the final years of apartheid, after which South Africa signed the NPT. India and Pakistan, too, were both known to be nuclear weapons-capable, although they had not yet tested a device. Perhaps even more threateningly for the NPT, there had been a convincing demonstration of the possibility of proliferation within the treaty. After the Gulf War, it had been discovered that Iraq had pursued a clandestine nuclear weapons programme, partly concealed within its declared civilian programme – proof that the simple 'nuclear material accountancy' approach of the IAEA verifying the implementation of a Comprehensive Safeguards Agreement (the centrepiece of the obligations assumed by an NPT non-nuclear-weapon state) was insufficient as a barrier to proliferation.⁴⁸ Iraq, it was becoming clear, had come worryingly close to acquiring a nuclear weapon.

At the same time, however, the end of the Cold War had unlocked the potential for long-held goals in multilateral nuclear diplomacy to be achieved, most notably the

⁴⁸ See 'Activities of the International Atomic Energy Agency relevant to Article III of the Treaty on the Non-Proliferation Treaty on the Non-Proliferation of Nuclear Weapons', Background paper prepared by the Secretariat of the International Atomic Energy Agency for the 2010 NPT Review Conference, NPT/CONF.2010/25, 29 April 2010, p.3.

CTBT. The nuclear powers had at the beginning of the 1990s declared a series of testing moratoria: first the USSR, in October 1991; then France, in April 1992; then, decisively, the United States, which committed itself in October 1992 to a nine-month test moratorium and the achievement of a test ban by September 1996.⁴⁹ The reasons for these moratoria were complex, involving a combination of political, technological and diplomatic features, and are explored in detail in Rebecca Johnson's study on the CTBT.⁵⁰ But as Johnson puts it, the moratoria played 'a crucial, arguably a causal, role in bringing the parties to the negotiating table in the CD 16 months later'.⁵¹ By the time of the 1995 NPT conference, the CD was in full negotiations on the rolling text of a 'zero-yield' comprehensive test ban – i.e. one allowing for no nuclear explosions of any kind.

The approach of the 1995 NPT conference had played a decisive part in opening up the CTBT issue. Specifically, the need to improve the context for the NPT's extension reportedly played a key role in the Clinton administration's decision to extend an indefinite test moratorium and to pursue a CTBT.⁵² Here, in fact, was the first concrete example of the United States pursuing a commitment highlighted by non-nuclear-weapon states in the context of Article VI with the aim of promoting non-proliferation. The US shift was not welcomed by the other Western nuclear-weapon-states, nor by China, but faced with public pressure and the fact of the new attitudes of the larger nuclear powers, they eventually had little choice but to be carried along with the tide, establishing a positive dynamic in the run up to the RevCon. As the President of the 1995 Conference, Jayantha Dhanapala, put it somewhat floridly in his retrospective account, 'with great intuitive foresight the US Arms Control and Disarmament Agency (ACDA) had seized upon this symbol of nuclear disarmament,

⁴⁹ Johnson, *Unfinished Business*, p. 31.

⁵⁰ Johnson, *Unfinished Business*, pp. 31-46.

⁵¹ Johnson, *Unfinished Business*, p. 31.

⁵² See 'A Changing Nuclear Order', *Washington Post*, 9 April 1995.

which had been held aloft by the Non-Aligned Movement (NAM) at all previous NPT Review Conferences with telling effect'.⁵³

However, the truth of the matter was that in these changed international circumstances, for the two largest nuclear possessors the CTBT represented no longer an instrument of active disarmament, but instead a logical part of the new arms control settlement. The 'cessation of the arms race' had taken place as a natural result of the end of the superpower rivalry, and had been codified in START. As such, the likelihood of either power needing to develop new nuclear weapons that would require testing was relatively slim. Crucially, too, means could be found to ensure the safety and reliability of the existing arsenal without explosive testing.

The domestic context for the shift to supporting a CTBT in the United States is instructive. It did not inspire policy planning for the gradual obsolescence of the nuclear arsenal. Quite the contrary: it was followed by investment into a programme of science-based stockpile stewardship, and a Nuclear Posture Review which reaffirmed the centrality of nuclear deterrence to US national security, and qualified the United States' desire to 'lead' in arms reductions with the need to 'hedge' against the possibility of a deteriorating international environment. This balance of priorities was demonstrated in three Presidential Decision Directives (PDDs) in July, September and November 1993.⁵⁴ The first, PDD-11, extended the test moratorium and reaffirmed the US commitment to a CTBT. However, the accompanying press briefing (the full text of the PDD remains classified) announced:

To assure our nuclear deterrent remains unquestioned under a CTB, the President has also directed [the Department of Energy] to explore other means of maintaining our confidence in the safety, reliability and performance of our nuclear weapons...⁵⁵

⁵³ Jayantha Dhanapala, *Multilateral Diplomacy and the NPT: An Insider's Account* (Geneva: UNIDIR, 2005), p.4.

⁵⁴ 'A Changing Nuclear Order', *Washington Post*, 9 April 1995.

⁵⁵ Office of the White House Press Secretary, 'Background Information: U.S. Policy on Nuclear Testing and a Comprehensive Test Ban', 3 July 1993. Available at www.fas.org/irp/offdocs/pdd11.htm.

PDD-13 focused on nonproliferation policy, and 'named indefinite extension of the NPT as a central foreign policy goal'.⁵⁶ PDD-15, meanwhile, building on PDD-11, stated unambiguously that 'The continued maintenance of a safe and reliable U.S. nuclear deterrent is a cornerstone of U.S. national security policy', and outlined a plan for stockpile stewardship under test-ban conditions. The plan consisted of the following components: stockpile surveillance and evaluation; hydrodynamic testing and hydronuclear experiments; weapons physics experiments; military systems, radiation hardness and weapon effects simulation; review and analysis of historical design, test, engineering and manufacturing data; numerical simulation; engineering design and development; chemistry and materials work; and production capability. Crucially, it also contained a requirement for the US to retain the capability to conduct explosive tests if no longer bound by a CTBT, with a lead time of two to three years.⁵⁷

In other words, the United States may have seized upon the symbolic importance of a CTBT, but that had not fundamentally disturbed the way in which it viewed nuclear weapons. The CTBT, in this context, would act as an indicator of the cessation of the arms race as defined by the nuclear-weapon states, not as an active spur to disarmament. Nor, moreover, was there any disturbance of that basic principle of the Article VI settlement, the lack of conditionality between non-proliferation and other steps in arms control and disarmament. 'Given the complexity of a CTB,' testified Deputy Defense Secretary John Deutch to the House hearings on the 1994 Nuclear Posture Review, 'we do not believe there should be any linkage between it and extending the NPT indefinitely, which must and should occur next spring.'⁵⁸ The United States had accepted a form of restraint on its nuclear weapons policies, therefore, but had done so

⁵⁶ 'A Changing Nuclear Order', *Washington Post*, 9 April 1995.

⁵⁷ The White House, 'U.S. Policy on Stockpile Stewardship Under an Extended Moratorium and a Comprehensive Test Ban', Presidential Decision Directive/NSC-15, 3 November 1993. Available at www.fas.org/irp/offdocs/pdd/pdd-15.pdf

⁵⁸ Testimony of John Deutch, Deputy Secretary of Defense, before the House Foreign Affairs Committee on US Policy on Nuclear Weapons, Washington, 5 October 1994.

in a way that had not affected the basic assumptions on which those policies rested. Yet the political effect was impressive: Jayantha Dhanapala later recalled that 'the certainty of achieving a CTBT together with the decision to negotiate a treaty on the cut-off of the production of fissile material...miraculously transformed the vision of a nuclear-weapon free world into a foreseeable objective'.⁵⁹ With this influential symbolic concession in hand, the task of producing consensus on indefinite extension of the NPT began.

The United States and United Kingdom both launched intensive lobbying efforts in the two years preceding the 1995 Review Conference to secure majority support for the treaty's unconditional and indefinite extension. However, it is a sign of the changed multilateral landscape after the end of the Cold War that this pressure was a necessary, but not sufficient, condition for extension on those terms to take place: instead, two middle powers held the key.

A decisive tactical role, firstly, was played by Canada, which, having decided that indefinite and unconditional extension was in its national interest, sought a method of framing such a decision in terms that would attract the broadest possible support. As Tariq Rauf (a member of the Canadian delegation in 1995) and Rebecca Johnson (a long-standing NGO participant in NPT Review Conferences) explain, this argument drew on four conciliatory themes:

a) listening respectfully to arguments on options other than indefinite [extension]; b) highlighting the multiple benefits of the Treaty and reinforcing the case for indefinite extension; c) appealing to the responsibility of all parties...to be cognizant of a common interest in preserving global security through a permanent Treaty; and d) exposing the security and arms control implications of the threat to end the Treaty.⁶⁰

The substantive addition to these arguments was a proposal to strengthen the review process, to allow it to discuss a greater range of substantive matters, rather than

⁵⁹ Dhanapala, *Multilateral Diplomacy and the NPT*, p.4.

⁶⁰ Tariq Rauf and Rebecca Johnson, 'After the NPT's indefinite extension: The future of the global nonproliferation regime', *The Nonproliferation Review* 3:1 (Fall 1995), p. 33.

focusing on procedure: in effect, a move towards greater institutionalisation of the treaty.

The second decisive intervention by a 'middle power' was made by South Africa. Early in the first week of the Review Conference, foreign minister Alfred Nzo – speaking, it should be remembered, for a non-aligned state – made a speech widely seen as pivotal to the conference atmosphere.⁶¹ Its starting point was that the 1995 conference should not put the NPT in jeopardy, nor weaken the non-proliferation regime more broadly, and that all states shared a common security interest in the NPT's future health. On this basis, Nzo stated South Africa's opposition both to conditions being placed on the treaty's extension, and to a decision taken by simple majority.⁶² He added South Africa's support to the proposal to strengthen the review process, and further proposed the adoption of a set of principles for non-proliferation and disarmament. These were to act not as conditions for the treaty's extension, nor as an amendment to the treaty, but as a 'yardstick' for the measurement of states' progress.⁶³

The significance of this speech was not so much its content, but the political spirit it embodied. Attempts to reach a common non-aligned position on extension prior to the conference, at the Bandung summit in April, had failed, with the result that the NAM bloc was far from cohesive, either in policy or in atmospherics.⁶⁴ The South African intervention was clear evidence that prominent NAM states were capable, as Simpson puts it, of acting 'in their national interest to ignore those of their colleagues seeking to create a common NAM ideological position in opposition to that advocated by states of both the Eastern and Western groups'⁶⁵ - and of subscribing to the position

⁶¹ See e.g. Ben Sanders, 'The 1995 NPT Review and Extension Conference: an overview', *Contemporary Security Policy* 16:3 (1995), p. 423.

⁶² 1995 NPT Review and Extension Conference, Summary Record of the 4th Meeting, 19 April 1995, NPT/CONF.1995/32 (Part III), p. 49.

⁶³ NPT/CONF.1995/32 (Part III), p. 50.

⁶⁴ Sanders, 'The 1995 NPT Review and Extension Conference', p. 424; Rauf and Johnson, 'After the NPT's indefinite extension', p. 32.

⁶⁵ John Simpson, 'The Birth of a New Era? The 1995 NPT Conference and the Politics of Nuclear

that unconditional extension was a matter of common security interests, rather than of nuclear-weapon-state or Western coercion.

This example was seized upon by Jayantha Dhanapala, who proceeded in the second week of the conference to ask South Africa to develop two documents, one on principles for non-proliferation and disarmament, and another on strengthening the review process.⁶⁶ Meanwhile, Canada had been collecting signatures for a simple resolution proposing the indefinite extension of the treaty, with no conditions – a task which it had been quietly fulfilling since a Western Group coordination meeting in April.⁶⁷ By 5 May, the nineteenth day of the Review Conference, it was able to present the resolution on behalf of 103 countries, 'thus incontestably proving that a majority existed in favour of indefinite extension'.⁶⁸ The only other formal proposals were from Mexico, whose resolution combined indefinite extension with a list of disarmament and non-proliferation goals plus a proposal for strengthened review;⁶⁹ and from eleven non-aligned states, who proposed rolling 25-year extensions which could be voted against, and broader statements about a strengthened review.⁷⁰ The weight of numbers behind the Canadian resolution made its acceptance in some form a *fait accompli*: the only question now was whether the Review Conference would need to vote.

It had been Dhanapala's position from an early stage that '[a] decision by consensus was the optimum result for the future viability of the treaty and its capacity to achieve universality'.⁷¹ Put more bluntly, it was a decidedly risky political proposition, as has been widely observed, to have states on the record as voting against the extension package – risky both for the regime, and for the states themselves, whose nuclear intentions were liable to fall under scrutiny as a result. The remaining task of the

Disarmament', *Security Dialogue* 26:3 (1995), p. 249.

⁶⁶ Dhanapala, *Multilateral Diplomacy and the NPT*, p. 48.

⁶⁷ Rauf and Johnson, 'After the NPT's indefinite extension', p. 33.

⁶⁸ Rauf and Johnson, 'After the NPT's indefinite extension', p. 33.

⁶⁹ NPT/CONF.1995/L.1/Rev.1

⁷⁰ NPT/CONF.1995/L.3

⁷¹ Dhanapala, *Multilateral Diplomacy*, p.3.

conference (or so it seemed), therefore, was to avoid a vote by adopting the Canadian resolution, plus the documents prepared under South Africa's leadership on principles for non-proliferation and disarmament and on a strengthened review process, as a single package, framed 'in a manner that brought states parties together and presented the decision as a common victory for all - with no winners or losers'.⁷² On 8 May, Dhanapala announced that the conference would defer its decision on extension so that he could try to achieve general agreement, and he later briefed delegations and sub-groups of delegations on the outline of the package.⁷³ On 9 May, however, a group of Arab states presented a further resolution on the Middle East, which among other things singled out Israel for criticism and urged its signature of the NPT. This was a political non-starter for the United States, and would have meant voting on the resolutions separately;⁷⁴ however, high-level bilateral US-Egyptian consultations⁷⁵ produced a more moderate version calling for the accession of all non-parties to the NPT.⁷⁶

After some last-minute resistance, the adoption of these four decisions was gavelled through by Dhanapala on the conference's penultimate day, 11 May 1995. Despite the apparent success that the treaty's indefinite extension embodied, the conference did not produce a final declaration of the sort seen in 1975 and 1985. This was partly the consequence of a 'brain drain' from the normal RevCon structures while discussions on extension were taking place; but it was also a clear sign of the normal underlying divisions over the treaty's implementation, added to which was the disquiet of a number of states, notwithstanding their desire to avoid casting a negative vote, at the extension decision and the manner in which it had been achieved.⁷⁷

On its surface, the decision on Principles and Objectives might have seemed to

⁷² Rauf and Johnson, 'After the NPT's indefinite extension', p. 32.

⁷³ Dhanapala, *Multilateral Diplomacy*, p.50.

⁷⁴ Sanders, 'The 1995 NPT Review and Extension Conference', p. 426.

⁷⁵ Rauf and Johnson, 'After the NPT's indefinite extension', p. 30.

⁷⁶ NPT/CONF.1995/32 (Part I), 'Resolution on the Middle East'.

⁷⁷ Simpson, 'The Birth of A New Era?', p. 247.

be an encouraging statement of shared goals, representative of a new climate of seriousness in the nuclear-weapon states' approach to their Article VI obligations. It contained a specific reaffirmation by the nuclear-weapon states of the portion of Article VI referring to 'effective measures relating to nuclear disarmament',⁷⁸ and named specific measures as being of importance to its implementation: namely, the conclusion of a CTBT no later than 1996, pending which the nuclear weapon states should 'exercise utmost restraint'; the 'immediate commencement and early conclusion' of a treaty to ban the production of fissile material; and the 'determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control'.⁷⁹

The problem with the 1995 outcome, however, was that the political undertakings necessary to secure consensus on extension served only to heighten expectations among non-nuclear-weapon states about what the review process could achieve. South Africa had proposed the idea of a 'yardstick'; Canada used the phrase 'permanence with accountability';⁸⁰ and there was much talk subsequently of 'politically binding', rather than 'legally binding', obligations. The outlines of 'NPT diplomacy' sketched in this thesis suggest this was a dangerous proposition. Consensus at review conferences thus far had been reached, if at all, by focusing on a reaffirmation of the validity of the treaty; by phrasing goals in relatively broad and modest terms; and by allowing room for the expression of conflicting or dissenting views. Review Conference final documents, moreover, had been the product of last-minute diplomatic compromises, rather than roadmaps thought through at the highest levels of political leadership.

⁷⁸ Final Document of the 1995 NPT Review Conference, NPT/CONF.1995/32 (Part I), Decision 2, 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', para.3.

⁷⁹ Final Document of the 1995 NPT Review Conference, NPT/CONF.1995/32 (Part I), Decision 2, 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', para.4.

⁸⁰ Quoted in Dhanapala, *Multilateral Diplomacy*, p.57

Approaching the NPT as a 'results-based' endeavour,⁸¹ therefore, would be a new and difficult proposition. It would also be complicated by the main feature of the 1995 decision: namely, the removal of whatever psychological comfort there may have been in the treaty's impermanence (which, as Chapter Two demonstrated, had a central priority for key states in the NPT's negotiation). In the words of Miguel Marin-Bosch, the Mexican diplomat who had led the charge against consensus in 1990 and been thwarted five years later, '[i]n the spring of 1995 the NPT parties decided to “sign now and talk later”'.⁸² And barely was the ink dry on those signatures when China, which had felt railroaded into the CTBT negotiations before the conference opened, conducted a nuclear test, 'to an unprecedented wave of international protest', especially from its Northeast Asian neighbours.⁸³ The events of the next decade would prove this to be just the first in a series of disappointments.

4.3.2 2000 and 2005: expectations raised and dashed

The 2000 NPT Review Conference opened in deeply inauspicious circumstances. In May 1998, India and Pakistan had conducted a series of nuclear tests in close succession, irrevocably extending the club of overt nuclear powers. START II, despite being signed in January 1993, had failed to enter into force: the Russian Duma had postponed consideration of its ratification a number of times, on political grounds (in response to plans for NATO enlargement, the bombing of Iraq in Desert Fox, and NATO intervention in Kosovo), but also in response to developments in the US policy on

⁸¹ This was the phrase used, based on the changes to the treaty in 1995, by UN Secretary-General Kofi Annan in his address at the opening of the 2000 NPT Review Conference. See Office of the UN Secretary General, 'Secretary-General Urges Member States to Reaffirm Commitment to Reduce Dangers of Existing Nuclear Weapons, Further Proliferation', press release, 24 April 2000.

⁸² Miguel Marin-Bosch, 'The 1995 NPT Review and Extension Conference', *Irish Studies in International Affairs* 6 (1995), p. 31.

⁸³ Banning N. Garrett and Bonnie S. Glaser, 'Chinese Perspectives on Nuclear Arms Control', *International Security* 20:3 (Winter 1995-6), p. 58.

missile defence. The dual fear of proliferation of ballistic missiles and WMD in the late 1990s, inspired in part by missile tests by Iran and North Korea and expressed most notably by a commission chaired by former Secretary of Defense Donald Rumsfeld in 1998, had led to growing support for a system of defences against a limited missile attack, a goal subsequently codified in the 1999 Missile Defense Act.

Lastly, the CTBT, that prime symbol of non-nuclear-weapon states' hopes, had been opened for signature in 1996, sidestepping last minute Indian efforts to prevent its transmission to the UN General Assembly, and was signed first by the United States – but on 13 October 1999, the US Senate rejected the treaty on a largely party-line vote. It was clear, in fact, that the Clinton administration's decision in the early 1990s to pursue a CTBT had signified the high water mark of US efforts to strengthen the non-proliferation regime through self-restraint. Since that point, as Gilles Andréani has put it, the US had been 'shifting its focus from the need to foster global and regional consensus against proliferation, to the desire to keep all political and military options open, and, indeed broaden their scope'.⁸⁴

Perhaps unsurprisingly, the strengthened NPT review process that had been agreed upon in 1995 was unable to overcome this unfavourable political climate to produce a substantive outcome from any of its three preparatory meetings in the years leading up to 2000. That the Review Conference that followed was able to reach consensus on a final document, containing not only a backward-looking review but a specific set of forward-looking actions, was an example of both the best and the worst of NPT diplomacy.

The central drama of the Review Conference was played out in negotiations between the nuclear-weapon states and the New Agenda Coalition, a cross-regional initiative of states launched in 1998 with the purpose of refocusing attention on nuclear

⁸⁴ Gilles Andréani, 'The Disarray of US Non-Proliferation Policy', *Survival* 41:4 (Winter 1999-2000), p. 59.

disarmament. The NAC's approach centred around a demand that the nuclear-weapon states commit themselves 'unequivocally' to the elimination of nuclear weapons;⁸⁵ it distinguished itself from the more radical non-aligned disarmament proposals, however, by not insisting on the adoption of a Nuclear Weapons Convention, or on a time-bound framework for nuclear disarmament.⁸⁶

The mechanics of the NWS-NAC negotiations were complex, and were also strongly influenced by disagreements within the NWS, most notably over US plans for missile defences. But at their heart was an issue that had lurked in the background of NPT debates ever since the treaty's negotiation. It was observed in Chapter Two that the wording of Article VI is such that in providing for the pursuit of negotiations on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament, it suggests that these negotiations can be pursued in parallel. However, the final achievement of total nuclear disarmament, by virtue of the differentiation between 'negotiations on effective measures relating to' and 'negotiations on...a treaty on general and complete disarmament', had been left implicitly grounded in the achievement of general and complete disarmament. This, at least, was the view of the British delegation which authored the relevant amendment to Article VI in 1968, even if its implications were not widely appreciated at the time.

This basic debate reared its head when it came to considering steps towards disarmament based on an 'unequivocal undertaking' towards eliminating nuclear weapons, as urged by the NAC. As Tariq Rauf observes, the 'major contention [in these negotiations] became the nuclear-weapon states' refusal to accept operational measures to reduce nuclear weapons and increase transparency and accountability unless there

⁸⁵ 'A Nuclear-Weapons-Free World: The Need for a New Agenda,' Joint Declaration by the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, 9 June 1998. Retrieved from <http://www.acronym.org.uk/27state.htm>.

⁸⁶ Tariq Rauf, 'An Unequivocal Success? Implications of the NPT Review Conference', *Arms Control Today* (July/August 2000), available at www.armscontrol.org/act/2000_07-08/raufjulaug, retrieved on 10 August 2012.

were escape clauses referring to strategic stability and undiminished security'.⁸⁷ From a twenty-first century perspective, the idea of a treaty on general and complete disarmament is arcane. However, the linkage between the final achievement of nuclear disarmament and the achievement of GCD is a proxy for the question of whether nuclear disarmament can be separated from the broader context of international security.

The compromise achieved in the NAC-NWS negotiations on this issue was in fact not a compromise at all – instead, it rested on the inclusion of a reference to Article VI in the 'unequivocal undertaking', thus allowing room for the NWS to reserve their position that the final achievement of nuclear disarmament was conditional on general and complete disarmament. The NAC, meanwhile, could claim a political victory, regardless of what seemed to be the NWS's semantic contortions.⁸⁸ With this agreement in hand, the nuclear-weapon states were willing to accept the forward-looking disarmament document. This decisively tipped the scales of the Review Conference towards a consensus outcome, as the NAC now had a clear stake in having their forward-looking disarmament agenda enshrined in a final document, and they proceeded to lobby other NNWS strongly to give their consent. A last-minute dispute again emerged over Middle Eastern issues – the question this time being whether Iraq would prevent consensus on a document which called attention to its safeguards noncompliance – but again was solved with high-level political input, allowing a consensus final document to be gavelled through on the Saturday of the conference's final week.⁸⁹

The end result of the NWS-NAC negotiations was an agreed final document which contained thirteen 'practical steps for the systematic and progressive efforts to implement Article VI of the [NPT] and paragraphs 3 and 4 (c) of the 1995 Decision on

⁸⁷ Tariq Rauf, 'An Unequivocal Success? Implications of the NPT Review Conference', *Arms Control Today* (July/August 2000), available at www.armscontrol.org/act/2000_07-08/raufjulaug, retrieved on 10 August 2012.

⁸⁸ Ibid.

⁸⁹ Ibid.

“Principles and Objectives for Nuclear Non-Proliferation and Disarmament”⁹⁰. The centrepiece of the thirteen steps was the 'unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI.' The steps proposed were wide-ranging, and combined familiar measures (signature and ratification of the CTBT, a testing moratorium, negotiations on an FMCT, the establishment of a subsidiary body in the CD on nuclear disarmament, reductions in nuclear arsenals, including non-strategic weapons, and the reduction of the role of nuclear weapons in security policies) with the breaking of some new ground (for example, increases in transparency by the nuclear-weapon states as a confidence-building measure, measures to reduce the operational status of nuclear weapons, and the development of verification capabilities for future disarmament agreements).⁹⁰ The beginnings of a full roadmap towards nuclear disarmament, in other words, had been written for the first time into a NPT Review Conference final document. Yet this had happened at a moment when consensus on the future of the non-proliferation regime was by all accounts lacking, and had only been made possible by ignoring an unresolved question dating from the negotiation of the NPT itself. As Ogilvie-White and Simpson put it, 'it soon became clear that the agreement on the Final Document had been possible only because many of the provisions were capable of differing interpretations, and thus unlikely to be implemented in full'.⁹¹

The inherent tension in this settlement became unsustainable in the run up to the 2005 conference. The trend in US nuclear policy away from the multilateral promotion of non-proliferation and towards unilateral freedom of action that had been visible in the late 1990s was given extreme expression in the new administration of President George

⁹⁰ Final Document of the 2000 NPT Review Conference, NPT/CONF.2000/28 (Parts I and II), Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, 'Article VI and eighth to twelfth preambular paragraphs', para 15.

⁹¹ Tanya Ogilvie-White and John Simpson, 'The NPT and Its 2003 PrepCom Session: A Regime in Need of Intensive Care', *The Nonproliferation Review* 10:1 (Spring 2003), p. 43.

W. Bush. This included a nuclear posture review in 2001 which, although envisaging unilateral reductions in the US nuclear arsenal, raised the prospect of developing new nuclear weapons to increase the flexibility of US nuclear strike options, and placed a heavy emphasis on the development of ballistic missile defences. The 2001 NPR was followed by a new National Security Strategy [NSS] in September 2002, which placed increased emphasis on the role of pre-emption in US strategy, and broadened its meaning to include the concept of preventive military action, taken before a threat could emerge. Perhaps most concerning in the NPT context, as Walker notes, was the 'near total absence [in the 2002 NSS] of reference to international institutions other than military alliances and...“coalitions of the willing”... The document contains no direct reference to the UN Security Council, the NPT or international law.' ⁹²

The new US position, as a matter of politics if not of substance, involved the abandonment not only of the agreements reached in 1995 and 2000, but also of the basic understanding, central since the negotiation of the NPT, of the political relationship between non-proliferation and disarmament. The US adopted, in the run-up to the 2005 Review Conference, a hard-line position which focused exclusively on the need for new commitments in the field of non-proliferation, and action to enforce compliance with existing commitments. In one sense, it had valid grounds for so doing, as the proliferation threats on which some of the US shift in policy was based became real. The existence of a covert uranium enrichment facility at Natanz, and of a heavy water production facility at Arak, had been alleged by Iranian exile groups over the summer of 2002 and confirmed by satellite imagery in the following months. In January 2003, moreover, North Korea announced its intention to withdraw from the NPT.

In reframing its non-proliferation strategy the US accurately judged that there was a common interest amongst non-nuclear-weapon state parties to the NPT to prevent

⁹² Walker, *A Perpetual Menace*, p. 142.

further proliferation of the kind threatened by Iran and North Korea. It paid almost no attention, however, to the fact that those NNWS parties would find it extremely hard to support those measures if they were framed in a manner that seemed to legitimise freedom of unilateral action in the nuclear sphere by the NWS, and particularly by the United States. This contradiction, when added to the damage done to the atmospherics of multilateral diplomacy by the invasion of Iraq – concrete expression of the doctrine of preventive war – proved too much for the 2005 Review Conference to bear. The United States, with French support, refused to accept any attempt to make the results of the 2000 Review Conference (with the 13 steps at its core) 'part of the basis and standard against which the 2000-2005 period would be reviewed'.⁹³ This refusal caused a stand-off over the adoption of the Review Conference's agenda which lasted until the conference's second week, and the adoption of a programme of work, which lasted until late in the third week.⁹⁴ The Conference's committees were unable to adopt any substantive reports, and in the end all that could be produced as a final document was a short procedural summary.

With the absence not only of a consensus final declaration in 2005, but the absence even of any substantive discussions, several key questions about the implementation of non-proliferation had remained unanswered. Should the Additional Protocol, the measure designed to reinforce IAEA safeguards against the threat of a covert nuclear weapons programme like that pursued by Iraq until the Gulf War, be regarded as an essential part of the non-proliferation regime, and made a condition for the receipt of nuclear trade? Could the treaty's provisions on withdrawal be supplemented to prevent a country gaining the benefits of peaceful nuclear energy as a non-nuclear-weapon state, then withdrawing and applying those benefits to a crash

⁹³ Harald Mueller, 'The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair', *Report of the WMD Commission*, No. 31, p. 2.

⁹⁴ For a detailed summary of this process, see Rebecca Johnson, 'Politics and Protection: Why the 2005 NPT Review Conference Failed', *Acronym Report*, 1 November 2005. Retrieved from www.acronym.org/directory/view-all/npt-review-conference-2005/story/articles-and-analyses.

nuclear weapons programme? Given that the crucial obstacle to proliferation was by now widely regarded to be the difficulty of acquiring the necessary fissile material, should the nuclear fuel cycle be internationalised, placing uranium enrichment and plutonium separation under international control?

Meanwhile, action against the proliferation threat posed by North Korea, and the potential threat posed by Iran, was being pursued through a range of mechanisms including negotiations amongst a small number of relevant states (the 'six party' talks in the case of North Korea, and the 'E3+3' or 'P5+1' mechanism in the case of Iran), resolutions at the IAEA Board of Governors, and UN Security Council resolutions. However, there had been no common expression of the importance of the NPT from its states parties since 2000, and thus no clear sense of international consensus on the need for compliance with non-proliferation obligations. By pursuing an extremely hard line in pursuing stronger enforcement of the NPT, the United States had appeared to sacrifice its basic function of affirming international consensus against non-proliferation. The 2005 Review Conference was the first not only to fail to produce a final document, but also to allow the dispute over the implementation of past disarmament commitments to stand in the way of any substantive discussions on the treaty's broader implementation. As the next chapter will explain, this meant the Review Conference of 2010 would be seen as a crucial test of that basic function, and one in which the United States' attitude towards Article VI could play a decisive role.

4.3.3 Conclusion

The examination of NPT diplomacy contained in this chapter suggests a number of conclusions about the role of disarmament debates in the manner in which the treaty's affairs were managed, and the conditions were created for the treaty to grow into its place as the foundation of a broader regime. In the first place, the basic political

significance of Article VI needed to be understood, and respected. NPT review conferences were designed to be an outlet for the expression of frustration at the inequalitarian implications of the treaty, and an instrument for the non-nuclear-weapon states to exert moral pressure on the nuclear-weapon states to move in the direction of disarmament. Every consensus final document included both expressions of regret about slow progress in this regard, and proposals for measures which would represent seriousness of NWS intent.

The record of NPT diplomacy suggests that this dynamic has often extended even to the interpersonal level at Review Conferences. There are a number of occasions on which a conciliatory attitude, and an attempt to promote a sense of engagement on a common cause, has allowed compromises to be made despite seemingly divergent positions. Here, the nuclear-weapon-states' tone on disarmament, and their willingness to accept criticism over Article VI issues, has been crucial.

It is clear, however, that throughout the treaty's evolution there remained widely divergent beliefs and assumptions about the nature of the disarmament process. During the Cold War, this divergence could be masked, paradoxically, by the fact that disarmament appeared a distant prospect. After the end of the Cold War, as expectations about the possibility of nuclear disarmament grew, so did the disparity between the nuclear-weapon states' affirmations of support for the ultimate objective of disarmament and their lack of enthusiasm for the steps that had been advocated in the NPT context to reach that objective. In particular, the apparent reordering of the NPT 'bargain' in 1995 implied by the presence of the Principles and Objectives for Non-Proliferation and Disarmament, as well as the 13 practical steps towards disarmament outlined in 2000, was subject to a crucial dispute dating back to the NPT's negotiation – namely, whether total nuclear disarmament could be achieved outside the context of general and complete disarmament. If it could not, as the NWS believed, the route to nuclear

abolition would need to include not only direct measures of disarmament, but a range of supporting measures connected to the security context in which disarmament would take place. No measures of this kind, however, had ever been discussed in the context of the NPT.

NPT diplomacy, in this sense, had thus been primarily a holding action: it avoided active defections from the regime in the form of withdrawals; it quickly headed off attempts to amend the treaty; and it provided enough of an appearance of international consensus to allow the other instruments of the developing non-proliferation regime (such as the evolving safeguards activities of the IAEA, and the supply-side controls of the Nuclear Suppliers Group) to draw from the well of the NPT's basic legitimacy. However, this holding action proved harder to execute after the end of the Cold War, as East-West blocs began to dissolve and middle powers began to exert greater diplomatic influence. The nuclear-weapon state (and particularly US-USSR) collaboration which had shepherded states parties through the NPT review process was less salient. As a result, the price for a consensus outcome to NPT review conferences began to include a structured and specific forward-looking plan for disarmament, rather than previous documents which were content with a blend of consensus and non-consensus statements.

Yet, even these forward-looking plans could not detach themselves from the basic realities of NPT diplomacy. They were produced through last-minute compromises that did not change parties' basic positions, but rather found formulations that, through a certain ambiguity, could satisfy a range of interpretations. As Imai puts it, in such conditions 'the battlefield inevitably becomes one of language'.⁹⁵ Meanwhile, the basic dilemma that had first been captured in the Article VI negotiations remained true: the maintenance of non-proliferation was not legally conditional on disarmament

⁹⁵ Ryukichi Imai, '2000 Nuclear Non-Proliferation Treaty (NPT) Review Conference', *Asia-Pacific Review* 8:1 (2001), p. 55.

steps being taken, in part because the security interest of most non-nuclear-weapon states in non-proliferation existed whether or not the long-term goal of disarmament was actually achieved.

The 2005 Review Conference was an clear example of what would happen if the most influential nuclear-weapon state chose to ignore the political importance of Article VI. The 2010 Review Conference would therefore prove to be a test of what could be achieved, in these conditions, if the traditional importance granted to Article VI in NPT diplomacy was restored – and it is this test that forms the subject matter of the next chapter.

Chapter Five: The 2010 NPT Review Conference: an assessment

5.1 Introduction

Through a combination of coincidence, momentum and intent, 2010 was a busy year in nuclear politics. The May 2010 NPT Review Conference, after the bad-tempered failure of 2005, had long been identified as a crucial moment of collective decision on the future of the non-proliferation regime. It was preceded, moreover, by the expiration of the US-Russia Strategic Arms Reduction Treaty (START) on 5 December 2009, and by a congressionally-mandated US Nuclear Posture Review (NPR). All else being equal, in other words, it was inevitable that policymakers, especially in the United States, would be forced to pass judgment on the state of the nuclear order and to plan for its future.

All else was not equal, however, and the momentum of the preceding years added a sense of urgency to these choices. On the one hand, the world faced grave and seemingly intractable proliferation threats. An ailing Kim Jong-il resorted to the familiar tactic of masking internal problems with external, nuclear-centric, provocations: the six-party talks broke down over the summer of 2008, and after a ballistic missile test thinly disguised as a satellite launch, the DPRK conducted a second underground nuclear test on 25 May 2009. Meanwhile, more threateningly still, Iran continued to defy international pressure to cease its uranium enrichment programme: in September 2009 it revealed the existence of a hitherto secret enrichment plant at Qom, narrowly pre-empting its exposure by the United States, and in the following months Khamenei's regime turned down the P5+1's proposal for Iran to ship out low-enriched uranium (LEU) for fuel fabrication, bringing a halt to the negotiating process and eventually leading to another round of UN Security Council sanctions.

On the other hand, as events on the ground threatened to destabilise the nuclear order, increasing attention was paid to the argument that the only prescription for long-

term stability is nuclear abolition. After decades in which, at the elite level, the idea of total nuclear disarmament rarely merited more than a ritual passing reference, a number of prominent figures had begun to advance ‘zero’ as the long-term answer to the nuclear threat. In January 2007, the *Wall Street Journal* published the first of a series of op-eds by former US secretaries of state George Shultz and Henry Kissinger, former defense secretary William Perry and former senator Sam Nunn, calling for concrete actions towards the ultimate goal of a world free of nuclear weapons.¹ The novelty of this initiative, and those that would build on it in the following years, lay in the credentials of its proponents and the toughness of its argument: this was a call for nuclear abolition, not on moral, but on practical grounds. As David Santoro and Tanya Ogilvie-White noted in the lead-up to the review conference, ‘for the first time in decades, the disarmament wave [was] developing at the elite level within key nuclear weapon states instead of at the grassroots level or within the NAM.’² This new wave held that the combination of old threats (such as an accidental or unauthorised launch) and new ones (proliferation to ‘rogue’ states or non-state actors) in a post-Cold War world meant that the utility of nuclear weapons had declined while the dangers of their continued existence had increased. Keeping to this approach, the ‘four horsemen’ were followed by high-level initiatives, such as the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) and Global Zero; a flurry of academic literature emerged mapping out possible paths to zero,³ and there were editorials by prominent officials and thinkers in other states, including Russia, Germany, and the Netherlands.⁴

¹ Shultz et al., ‘A World Free of Nuclear Weapons’, *The Wall Street Journal*, 4 January 2007.

² Tanya Ogilvie-White and David Santoro, ‘The Dynamics of Nuclear Disarmament: New Momentum and the Future of the Nonproliferation Regime’, *Nonproliferation Review* 17:1 (March 2010), p. 18.

³ See e.g. Perkovich and Acton, *Abolishing Nuclear Weapons*; Ivo Daalder and Jan Lodol, ‘The Logic of Zero’, *Foreign Affairs*, November/December 2008; ‘Shared Responsibilities for Nuclear Disarmament’, essay by Scott D. Sagan and responses by Acton et al. (American Academy of Arts and Sciences, 2010); David Cortright and Raimo Väyrynen, *Towards Nuclear Zero* (London: IISS, 2010).

⁴ Evgeny Velikhov, Igor Ivanov, Mikhail Moiseyev and Yevgeny Primakov, ‘Start a new disarmament

Crucially, these events – the unavoidable moments of choice on nuclear policy, and the twin pressures of proliferation and a credible campaign for disarmament – coincided with the election of a US administration sympathetic to the disarmament project, keen to reinvigorate the United States' role in multilateral diplomacy, and aware of a need to reshape the nuclear order. This was the theme of a high-profile speech given by President Barack Obama in Prague on 5 April 2009: that the United States, carrying a 'moral responsibility' as the only state to have used a nuclear weapon, would start and lead an international effort to address the nuclear threat.⁵ This effort would set as its ultimate aim the abolition of nuclear weapons, but along the way would have to attend to traditional arms control measures, address current proliferation threats, revitalise the non-proliferation regime, and establish a framework for nuclear security.

In this context, we can frame the 2010 NPT Review Conference as a testing ground for the international response to changes in the nuclear order – in particular, it provides the clearest evidence of different actors' responses to the agenda set by the United States. The Obama administration attempted, as outlined in the Prague speech, to use the vision of a world without nuclear weapons as the unifying force for a range of unilateral, bilateral and multilateral initiatives in arms control, non-proliferation, disarmament and nuclear security. The aim of this chapter is twofold: firstly, to examine the effects of this strategy, conceiving of it as an attempt to adapt existing policy, institutions and norms to deal with a changing security environment and changing threats posed by nuclear weapons; and secondly, to provide a critical assessment of the multilateral disarmament agenda as it stood after the 2010 Review Conference.

plan', *Izvestia Daily*, 8 December 2010; Helmut Schmidt, Richard von Weizsäcker, Egon Bahr, and Hans-Dietrich Genscher, 'Toward a nuclear-free world: a German view', *International Herald Tribune*, 9 January 2009; and Ruud Lubbers, Max van der Stoep, Hans van Mierlo and Frits Korthals Altes, 'Toward a Nuclear Weapon Free World', *NRC Handelsblad*, 23 November 2009.

⁵ Obama, Remarks at Prague, 5 April 2009. Retrieved at <http://www.whitehouse.gov/the-press-office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered>, 18 February 2011.

The chapter is therefore prefaced by an overview of the changes in US nuclear policy in the months preceding the 2010 NPTRC, identifying the means by which they were communicated to other states and to what purpose. It then gives an account of the conference itself, based on documentary sources and interviews conducted at the UN and in Washington at the time of the conference, focusing on the interaction of US strategy with the goals of other actors, both nuclear-weapon states and non-nuclear-weapon states. In particular, it tests the theory that a demonstration of good faith from the United States, working towards a vision of a world free of nuclear weapons, would strengthen the NPT and generate confidence in the broader non-proliferation regime. Setting 2010 in the context of the post-1995 remodelling of the NPT bargain, it also offers an account of the role that disarmament matters played in this Review Conference, and analyses the current state of the multilateral disarmament agenda. On this evidence, it draws implications for the future of the disarmament project and the NPT itself, and in so doing, it draws conclusions about the nature of the relationship between disarmament and non-proliferation.

5.2 The disarmament strategy

It was clear from an early stage that an Obama presidency would mean a renewed emphasis for the United States on nuclear non-proliferation and disarmament: Obama famously wrote a paper at Columbia on nuclear disarmament (although the text itself has not been released).⁶ Obama was active on nuclear weapons policy during his brief time as a US Senator: on his first official tour abroad, he accompanied Senator Richard Lugar to Russia, Ukraine and Azerbaijan to inspect implementation of the Cooperative Threat Reduction, and the two Senators co-sponsored a bill to address conventional weapons proliferation and to fund foreign efforts to secure nuclear, chemical and

⁶ 'Obama's Account of New York Years Often Differs From What Others Say', *New York Times*, 30 October 2007.

biological weapons.⁷ Nuclear weapons similarly assumed a central place in Obama's foreign policy platform as a presidential candidate. In a high-profile speech in Berlin in July 2008, Obama declared: "This is the moment when we must renew the goal of a world without nuclear weapons. It is time to secure all loose nuclear materials; to stop the spread of nuclear weapons; and to reduce the arsenals from another era."⁸

Once in office, the Obama administration focused on the negotiation of a follow-on agreement to the 1991 Strategic Arms Reduction Treaty (START) as the central plank of a 'reset' of relations with Russia. In historic terms the period of negotiation for New START was, at one year, short in comparison to the nine years taken to negotiate its predecessor.⁹ Its time awaiting the advice and consent of the US Senate for ratification would turn out to be long and fractious, but the treaty had nonetheless been signed a month before the convening of the May 2010 Review Conference, a signal accomplishment on the part of the largest nuclear powers in terms of practical progress towards disarmament. A busy few months of US-led multilateral nuclear diplomacy included the first ever UN Security Council summit to focus on nuclear non-proliferation and disarmament in September 2009, and a summit on nuclear security in Washington, DC in April 2010 attended by more than 40 heads of state. April 2010 also saw the release of the US Nuclear Posture Review (NPR), which contained a number of disarmament-friendly changes, including a negative security assurance for NPT signatories in compliance with their non-proliferation obligations. The Obama administration had previously declared its commitment to seek ratification of the Comprehensive Test-Ban Treaty (CTBT) and to push for the negotiation of a Fissile

⁷ 'Challenges Ahead For Cooperative Threat Reduction', transcript of Council on Foreign Relations event, 1 November 2005. Retrieved from http://www.cfr.org/publication/9138/challenges_ahead_for_cooperative_threat_reduction_rush_transcript_federal_news_service_inc.html, 18 February 2011.

⁸ 'A World that Stands as One', Remarks by Barack Obama in Berlin, 24 July 2008. Retrieved from <http://www.america.gov/st/usg-english/2009/January/20090114125925jmnamdeirf0.2787439.html>, 18 February 2011.

⁹ Rose Gottemoeller, Press briefing on the New START treaty, Geneva, 3 June 2010. Retrieved from <http://geneva.usmission.gov/2010/06/08/start-treaty-2/>, 18 February 2011.

Material Cut-off Treaty (FMCT).

The administration inherited the Nuclear Posture Review process, and the pursuit of a follow-on to START I was dictated by the old treaty's impending expiry in 2010 – thus, as noted above, some of the apparent energy in US policy was a matter of coincidence rather than choice. However, this swathe of initiatives in nuclear policy was given coherence by the speech delivered by President Obama in Prague on 5 April 2009, in which he committed the United States to 'seek the peace and security of a world without nuclear weapons.' US policy choices were cast not simply as national priorities, but as the framework for a global agenda working towards the vision of nuclear abolition: according to President Obama, the United States 'cannot succeed in this endeavour alone; but we can lead it, we can start it.' The Prague speech contained a clear internal logic: that the continued existence of nuclear weapons poses a grave threat to humanity, therefore demanding their abolition; and that this goal requires certain interim measures – namely, the continuation of weapons reductions through traditional arms control, the strengthening of the Non-Proliferation Treaty, the building of a 'new framework for civil nuclear cooperation', tackling of the proliferation 'hard cases', and an effort to secure vulnerable nuclear materials.

Here, in other words, was one answer to the question posed in the introduction of this thesis – what is the relationship between disarmament, arms control and non-proliferation? Under the terms of the Prague agenda, abolition is a stable end state for the nuclear order; disarmament, arms control and non-proliferation (as well as nuclear security), therefore, are complementary measures in search of that end state. In addition, incremental achievements (and the successful communication of those achievements) in disarmament are a demonstration of good faith on the part of the United States – and by extension the other nuclear-weapon states – in committing to the goal of abolition.

Now, each of the Obama administration's disarmament steps was defended on its

own terms, particularly in the domestic arena, as a contributor to national security.

However, an underlying motivation rested on the theory that progress on disarmament, as a fulfilment of Article VI, would strengthen the NPT, and persuade the non-nuclear-weapon states to make concessions on bolstering non-proliferation provisions. This was an argument widely advanced in the years following the failure of the 2005 Review Conference. It rests on three propositions. The first is principled: the NPT stands for the idea, as explained by William Walker, that ‘nuclear weapons are intrinsically illegitimate everywhere and for all time, notwithstanding the temporary legality of possession granted to five nuclear weapon states. Without this principle, the non-proliferation norm [can] itself possess no intrinsic legitimacy.’¹⁰ Failure to pursue disarmament, therefore, is a hypocrisy which in the long term damns the non-proliferation project to instability and ultimately failure.

The second proposition is political, and reflects the nature of the NPT itself. Article VI was a concession granted to the non-aligned members of the Eighteen Nation Disarmament Committee in order to satisfy their demand for ‘an acceptable balance of mutual responsibility and obligation’ between the NWS and NNWS (see Chapters One and Two). Progress towards its implementation, therefore, is regarded by many as a minimum condition for NNWS cooperation. According to a retired senior official of a US ally, quoted in a 2006 Department of Defense-commissioned study of foreign perspectives of US nuclear policy, ‘if you want other countries to work your issues, then you have to help them work their issues,’ particularly disarmament.¹¹

The last proposition rests on a pragmatic reading of the last fifteen years of NPT diplomacy. Perkovich and Acton write: ‘Lawyers, diplomats and military commanders may debate the relevance and precise meaning of Article VI of the NPT. But it is clear

¹⁰ William Walker, ‘Nuclear Enlightenment and Counter-Enlightenment’, p. 448.

¹¹ Lewis Dunn et al., *Foreign Perspectives on U.S. Nuclear Policy and Posture: Insights, Issues and Implications* (Washington, DC: DTRA/ASCO, 12 December 2006).

that states would not have agreed to extend the treaty indefinitely, as they did in 1995, if the nuclear-weapons states had tried to claim that they were not obliged to pursue nuclear disarmament.¹² According to this line of thinking, the 2005 Review Conference showed that NWS intransigence – and in particular American intransigence – on disarmament would make the NPT unworkable. In Harald Müller’s words, the refusal of the United States and France to accept the 2000 final document – and specifically its disarmament provisions – as the basis for further action was ‘prone to undermine one of the basic tenets of dynamic multilateral regimes’: namely, that review conferences provide the authoritative collective interpretation of states parties’ responsibilities, ‘[keeping] treaties alive in the light of a changing environment’.¹³ Simply put, whatever the original meaning of Article VI, and notwithstanding the fact that Review Conference final documents are not legally binding, the nuclear-weapon states have taken on political obligations regarding disarmament which must be upheld in order for the NPT to have a future.

In preparing for the 2010 Review Conference, the Obama administration did indeed accept a link between disarmament and non-proliferation, adopting a strategy based (at a minimum) on the latter two of the propositions outlined above. According to Gary Samore, White House Coordinator for Arms Control and Non-Proliferation, the theory was that concessions on the disarmament pillar would bring progress on non-proliferation, ‘the pillar we care about the most’, by attracting support from the moderate members of the Non-Aligned Movement and isolating the hardliners, and by making it easier for the United States simply to refuse more ‘unrealistic’ demands for further concessions on disarmament.¹⁴ Expectations for the success of this strategy remained relatively moderate. In the words of one Department of Defense official, the

¹² Perkovich and Acton, *Abolishing Nuclear Weapons*, p.16.

¹³ Harald Müller, ‘The 2005 NPT Review Conference’, p. 2.

¹⁴ Gary Samore, interview by author, Washington, DC., 11 May 2010.

US was ‘running an experiment’, having been told by many important states in the NPT that non-proliferation would be enhanced by a recommitment to Article VI.¹⁵ The official conceded that the NPT mechanism offered little opportunity to wield influence on the ‘hard cases’ of the day – at the time of writing, Iran and North Korea – but suggested that the United States’ strategy was to affect the course of the *next* hard cases. Potential proliferators, he argued, are ‘dabbling [in nuclear technology] in order to stay relevant’, but not yet committed to military nuclear programmes, and are actively looking for evidence that American leadership is still relevant in managing the nuclear order. In this sense, the United States’ strategy was ‘aimed at Cairo [and] Seoul’, among others.¹⁶

Examined more closely, this explanation of the United States’ strategy contains two hypotheses, similar but nevertheless distinguishable, about the link between non-proliferation and disarmament. The first operates purely in the diplomatic arena – disarmament concessions are a way of splitting the Non-Aligned Movement, by appeasing the moderates, thereby making it easier to achieve consensus or near-consensus on a final document. It is a familiar tactic from past Review Conferences, and indeed was the method used by the Western states in achieving the indefinite extension of the NPT. It relates progress in one area of multilateral diplomacy – the fulfilment of disarmament obligations under Article VI – to another, the strengthening of the legal non-proliferation regime. This hypothesis is relatively straightforward to test, by measuring the United States’ success or otherwise in achieving its objectives at the Review Conference, as outlined above, and assessing the importance of disarmament concessions relative to other factors in contributing to that success.

The standard for a success for this strategy was clearly established through briefings in public and private forums, in which American officials laid out their

¹⁵ Interview by author, Washington, DC., 17 May 2010.

¹⁶ Ibid.

objectives for the Review Conference. In general terms, 2010 was conceived as an opportunity to ‘reinvigorate the Treaty’s role as the cornerstone of the international non-proliferation regime.’¹⁷ The combination of new proliferation challenges with the projected acceleration in the spread of civilian nuclear energy, diplomats argued, made it crucial for the NPT to adapt to remain relevant to growing proliferation risks. One element of this would be to prove the continuing viability of the multilateral non-proliferation regime by producing a consensus or near-consensus document.

The United States’ tangible objectives related principally to reinforcing the non-proliferation pillar, and touched on peaceful uses of nuclear energy only in the context of safely managing the effects of the ‘nuclear renaissance’. The US sought to secure agreement to strengthen both the ‘preventive’ and the ‘reactive’ non-proliferation provisions of the NPT. On the preventive side, this meant a strengthening of the safeguards system: an expansion of the authority and budget of the IAEA, and a call for universalisation of the Additional Protocol.¹⁸ On the reactive side, this meant measures to address noncompliance and strengthen the treaty’s enforcement, affirming that, in the words of President Obama in Prague, ‘Rules must be binding. Violations must be punished. Words must mean something.’ In addition to a reaffirmation by states parties of the unacceptability of noncompliance – with specific reference to North Korea, and, if at all possible, to Iran – practical measures proposed along these lines included a more clearly defined role for the UN Security Council and the introduction of automatic penalties in response to noncompliance findings, such as the withdrawal of IAEA technical cooperation.¹⁹ The United States also pushed for measures to address abuses of the Article X right to withdraw from the treaty, fearing that others might follow the

¹⁷ Ambassador Susan Burk, ‘Towards a successful NPT Review Conference’, remarks to Carnegie Endowment for International Peace, Washington, DC.. 31 March 2010. Retrieved from http://carnegieendowment.org/files/0331_transcript_npt1.pdf, 18 February 2011.

¹⁸ Ibid.

¹⁹ US Statement to the NPT Review Conference, 3 May 2010. Retrieved from http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements/3May_US.pdf, 18 February 2011.

North Korean example, by ‘seeking key nuclear assistance under the treaty and then withdrawing from it when they wish to violate its terms.’²⁰

Success in the purely diplomatic context, therefore, would be demonstrated by the inclusion of some of these measures in a consensus or near-consensus document. Moreover, if disarmament concessions were ‘aimed at Cairo’, their influence on Egypt’s behaviour at the Review Conference would be a crucial test, given that Egypt chaired both the Non-Aligned Movement (NAM) and the New Agenda Coalition (NAC), a group of middle powers influential in reaching agreement in 2000.

The second type of link presupposed by the United States’ strategy operates not only in the diplomatic arena, but claims to affect national nuclear decision-making. Foreign governments are faced with an ‘uncertainty problem’: with a range of American foreign policy objectives, states must find a way to decide which ones the United States values most highly.²¹ Demonstrating serious intent on disarmament is intended to strengthen others’ confidence in both the overall integrity of the non-proliferation regime and the United States’ determination and ability to uphold it. This is offered as the causal link between actions in the diplomatic arena and states’ understanding of their own national interest.

How might we test such a hypothesis? The task is clearly considerably more difficult than judging short-term diplomatic achievements – accurate indicators of national nuclear decision-making are not easy to come by, nor is there a clear way of judging the influence of American diplomacy on those decisions. It might be suggested, however, that the key lies in the extent to which states could be persuaded to imagine the strengthening of the NPT as a common good, rather than seeing a zero-sum trade-off between competing obligations. In testing this hypothesis, therefore, we might look

²⁰ Ambassador Susan Rice, press conference on nuclear security strategy, Washington DC, 30 April 2010. Retrieved from <http://www.america.gov/st/texttrans-english/2010/April/20100430193930eaifas0.6810833.html>, 18 February 2011.

²¹ This wording used by Jeffrey Lewis in interview by the author, Washington, DC., 13 May 2010.

towards states parties' willingness to express confidence in the NPT; to demonstrate trust in the nuclear-weapon states' intentions; and, in particular, to demonstrate a belief in the value of non-proliferation as a common good in its own right, which, after all, had been the guiding principle of the Irish resolution to which the NPT owes its foundation.

Before examining the effects of the US strategy, however, it is worth pausing to ask to what extent it was a departure from previous United States policy. Certainly, there was a shift from the Bush administration's approach to multilateral diplomacy and to the NPT review process itself. Current and former State Department officials noted a contrast between the run-up to 2010 and the corresponding period before 2005. One official involved in the process remarked that '[this year's delegation] has expertise, they have experience of review conferences... [T]he delegation in 2005 had no one on it who'd ever been at a review conference before. So this is different.'²² US officials, moreover, repeatedly stressed the importance of a 'balanced' review, including measures designed to strengthen the NPT across all three of its pillars.²³ The language of balance, of course, was intended as a signal to other states parties, particularly amongst the NNWS, of the United States' willingness to compromise. The contrast with the approach taken to the previous Review Conference was instructive – in the words of one long-serving State Department official, 'during the Bush administration, we were not allowed to use the word "pillar" – pillars did not exist.'²⁴

However, when compared to the United States' traditional approach to the NPT, the manner of engagement with the review process in 2010 was not unprecedented. Both the 1995 and 1985 conferences, for instance, saw well-marshalled and committed US diplomacy resulting in constructive outputs – the three decisions in 1995, including extension, and a consensus final document in 1985. One State Department official

²² Interview by the author, transcript. Washington, DC., 18 May 2010.

²³ See e.g. Susan Rice, briefing on nuclear security strategy, 30 April 2010.

²⁴ Interview by the author, transcript. Washington, DC., 18 May 2010.

characterised the approach to 2010 as a ‘restoration’ of usual practice, rather than an entirely new departure.²⁵

To an extent, this characterisation could apply to the practical disarmament steps taken since the Obama administration assumed office. Disarmament has been pursued further than ever before, but not at a significantly faster pace. The fundamental objectives of New START were the same as its predecessors, and its proportional reductions in warheads were not dramatic: START I reduced numbers of operational warheads by approximately 40%; New START represented a reduction of 30% from the levels set by SORT. Similarly, the changes to declaratory policy in the 2010 NPR, although more than cosmetic, were presaged by language in the 1994 NPR, which called for a reduction in the role of nuclear weapons in US security policy in light of the end of the Cold War, whilst prioritising efforts to combat the proliferation of weapons of mass destruction. In fact, since the dramatic reductions of the 1990s, the structure of US nuclear forces has been markedly stable: the 1994 NPR envisaged a force of 14 Trident SSBNs, 66 B-52s and 20 B-2s, and 450-500 Minuteman III ICBMs; the 2001 NPR kept submarine numbers the same, setting a limit of 76 B-52s (after the reductions in the 1994 NPR had not been fully implemented) and 21 B-2s, and 500 Minuteman IIIs; and the 2010 NPR sets out a very similar structure, cut slightly to allow for New START’s reductions: 14 SSBNs, possibly reduced to 12 in the latter half of the decade, 60 nuclear-capable bombers, and up to 420 Minuteman IIIs.

Yet, as an unequivocal, programmatic, presidential-level commitment to total multilateral nuclear abolition, the Prague vision is genuinely new, and should not be underestimated. It is important not only for what it proposes, but also for what it is not – that is to say, it represents a clear alternative to the vision of the nuclear order outlined in the 2001 NPR and the 2002 National Security Strategy. In the post-9/11 world, the

²⁵ Ibid.

Prague speech was the first genuine affirmation from the United States of the validity and relevance of multilateralism in nuclear policy, ordered by the vision of disarmament. As Michael Krepon notes, ‘Washington’s current quest for nuclear disarmament helps provide the glue that holds the global non-proliferation system together, whereas the Bush administration’s pursuit of a war-winning nuclear posture acted as a solvent.’²⁶

The importance of the Prague agenda will of course be measured according to the consistency of its implementation, which remains a subject of considerable uncertainty. One interesting example of this uncertainty is provided by the divergent reactions to the United Kingdom’s preparations for 2010. In February 2009, the Foreign Office produced a paper entitled ‘Lifting the Nuclear Shadow: creating the conditions for abolishing nuclear weapons’. It identified six steps for the advancement of multilateral disarmament: strengthening of non-proliferation through the NPT, cooperation with the IAEA to manage the spread of civilian nuclear energy, a US-Russian follow-on to START I, entry into force of the CTBT, negotiations on an Fissile Material Cut-off Treaty, and exploration of the political, military, and technical conditions for disarmament.²⁷ In July 2009 the Cabinet Office published a paper entitled ‘The Road to 2010: addressing the nuclear problem in the twenty-first century.’ This committed the UK to a number of practical initiatives, including the convening of a P5 confidence-building conference in London in September 2009, promoting the EU Action Plan on disarmament, and furthering progress on a Middle East WMDFZ.²⁸

For disarmament activists, perhaps predictably, the UK government’s disarmament initiatives, given the 2006 decision to renew Trident as the delivery system for British nuclear weapons, were simply cosmetic and rhetorical diversions intended to

²⁶ Michael Krepon, ‘Numerology in the Second Nuclear Age’, *IFRI Proliferation Papers* 30 (Fall 2009), p. 27.

²⁷ UK Foreign and Commonwealth Office, ‘Lifting the Nuclear Shadow: creating the conditions for abolishing nuclear weapons’, (London: The Stationery Office, 2009), pp.51-2.

²⁸ UK Cabinet Office, ‘The Road to 2010’, (London: The Stationery Office, 2009), p. 50.

divert attention to the UK's reluctance to take meaningful unilateral steps towards disarmament. The reaction of the government of France, however, was quite the opposite. According to a leaked US cable, in a meeting on the sidelines of the September 2009 P5 summit, Mariot Leslie, head of the Foreign and Defence Policy Secretariat at the FCO, told US Undersecretary of State Ellen Tauscher that France was 'uncomfortable' with the UK's initiatives, and that the French were 'excessively worried about what they see as UK unilateral disarmament.'²⁹ As a measure of the novelty of the UK's disarmament initiatives, and by extension the novelty of the Prague agenda, it is instructive that the French government should have been seeking to slow down progress on nuclear disarmament, worried that France would end up isolated and under pressure to disarm simultaneously. On all sides, then, the 2010 NPTRC would be seen as a testing ground for the apparent newfound enthusiasm for disarmament in the nuclear-weapon states.

5.3 The 2010 Review Conference: summary

The 2010 Review Conference was markedly different from its immediate predecessor in terms both of process and of outcome. A final document was produced, outlining an action plan for each of the three 'pillars' of the NPT. In a manner typical of NPT review conferences and characteristic of any large exhibition of multilateral diplomacy, the proceedings of the 2010 NPTRC were complex and opaque. Public interest in the conference probably peaked on its first day, during which Iranian President Mahmoud Ahmadinejad and US Secretary of State Hillary Clinton delivered their respective national statements to plenary session. The speeches were representative of the two states' approaches to the conference. Clinton's remarks combined signals of good faith –

²⁹ 'U/S Tauscher's meetings with FS Miliband and other HMG officials', Embassy London, 22 September 2010, retrieved from <http://213.251.145.96/cable/2009/09/09LONDON2198.html>, 14 February 2011.

a disclosure of the United States' total warhead stockpile (5113, excluding those awaiting dismantlement), a commitment to submit the protocols of the African and South Pacific nuclear-weapon-free zones (which include legally binding negative security assurances) to the Senate for ratification, and an extra \$50 million for an IAEA Peaceful Uses Initiative – with calls for a strengthening of all three pillars, and action on Iranian noncompliance.³⁰ Ahmadinejad's, by contrast, framed the NPTRC as a moment for resistance against Western and nuclear-weapon states, providing a long list of complaints against the 'policies and practices of certain states, as well as the inefficacy of and imbalance in the pillars of the NPT', and a similarly long list of proposals, focusing on the need for disarmament and a correction of perceived bias on the part of the IAEA.³¹

Most national statements referred to an improved atmosphere in the NPT review process, attributing it explicitly or implicitly to the signing of New START and to the policies of the new US administration.³² Egypt, which as the chair of the Non-Aligned Movement and the New Agenda Coalition was tactically speaking the most influential non-nuclear-weapon state, noted that the NPTRC 'convenes in a conducive atmosphere, amidst increased international realization that our efforts [need] to be intensified to eliminate nuclear weapons.'³³ The substantive limits of the power of this disarmament-induced atmosphere, however, were made clear by the Egyptian assertion that 'the implementation by nuclear-weapon-states of their obligations in the field of nuclear disarmament... does not consequently commit non-nuclear-weapon-States to accept any other additional obligations other than those stipulated in the Treaty, neither in the field

³⁰ US statement to the NPT Review Conference, 3 May 2010.

³¹ Iranian statement to the NPT Review Conference, 3 May 2010. Retrieved from http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements/3May_Iran.pdf, 18 February 2011.

³² See e.g. statements by Ireland, Brazil, Netherlands, Canada, Indonesia, New Zealand, Japan, Norway, Malaysia, Turkey, and the United Arab Emirates.

³³ Egyptian statement to the NPT Review Conference, 5 May 2010. Retrieved from http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements/5May_Egypt.pdf, 18 February 2011.

of non-proliferation nor in...peaceful uses of nuclear energy.’³⁴

From an early stage in the conference it was possible to observe the dynamics of state groupings. Iran, Venezuela and Syria constituted the NAM hard line, determined to delay and perhaps to block consensus; Egypt, on the other hand, appeared committed to producing a substantive result, providing that certain red lines were not crossed, and that her regional concerns were addressed. Among the nuclear-weapon states, the United States led the drive for a final document; France was the most prominent in repelling demands for further commitments on disarmament; and China was occasionally moved to emerge from her traditional reticence to protect national interests, most notably on the issue of a moratorium on fissile material production. As Potter et al. have noted, ‘[c]onspicuous by their absence at the RevCon were “bridge builders” – the states or groupings like the New Agenda Coalition that in the past have worked to forge consensus.’³⁵

Although a general desire for a productive outcome ensured that the initial procedural items – such as the adoption of an agenda and the committees’ reports back to plenary session – were dealt with promptly, the conference headed into its final week without a consensus text from any of the committees. According to one Western diplomat, the NAM were ‘playing hardball,’ with Iran at its extreme pushing for a hard-line position. The most contentious issues under all three pillars had been assigned to subsidiary bodies, closed to non-governmental representatives. Most sensitive of all were the negotiations on implementation of the 1995 Resolution on a zone free of weapons of mass destruction in the Middle East, covered by Subsidiary Body II, convened by Alison Kelly of Ireland. These negotiations represented the culmination of at least eighteen months of discussions, primarily between the United States and Egypt

³⁴ Ibid.

³⁵ William Potter et al., ‘The 2010 NPT Review Conference: Deconstructing Consensus’, *CNS Special Report* (Washington, DC: Center for Nonproliferation Studies, 17 June 2010), p. 2.

– during the Review Conference they essentially proceeded on a parallel track, and were the subject of high-level political intervention, including a dinner for Arab ambassadors at the White House hosted by US Vice-President Joe Biden in the last week of the conference.

By the final few days of the conference a draft report from Subsidiary Body II had been produced,³⁶ its text very close to what emerged in the final document, and it was evident that a deal on the Middle East was available. From this point, the fate of the conference depended on whether it was felt the Middle East deal was worth the acceptance of significant compromises on other issues, and on whether Egypt could persuade the NAM hardliners, particularly Iran, to acquiesce. The President of the Review Conference, the Philippines' Libran Cabactulan, structured the draft final document in such a way that issues where there was no consensus were relegated to a review section with the status only of a chair's summary, meaning that the areas in which agreement had been reached could be preserved in a consensus forward-looking action plan. A final draft emerged on the last evening of the conference, at which point the only remaining obstacle was Iran – and on the final morning, isolated and under pressure from an Egyptian delegation keen to return with a long-sought after deal on the Middle East WMD/FZ, Iran's objections were removed.

5.4 Substantive outcomes

As only the fourth consensus final document in the NPT's history, the outcome of the 2010 Review Conference was a significant indicator of a desire for cooperation between states parties. However, its substantive provisions on all three pillars were weak. In the field of non-proliferation, strong opposition from the Non-Aligned Movement and Brazil ensured that language on the Additional Protocol as a confidence-building

³⁶ 'Report of Subsidiary Body II: Chair's Draft', 21 May 2010. NPT/Conf.2010/MC.II/SB.2/CRP.1.

measure was confined to the non-consensus review section³⁷ (and that no language was produced on the Additional Protocol and comprehensive safeguards as the new standard for verification), and the action plan carried only a broadly-phrased encouragement to states parties to adopt an additional protocol.³⁸ Similarly, the action plan addressed the issue of non-compliance with no more than a vague reference to the importance of full compliance with the treaty, and of resolution of non-compliance issues with regard to the IAEA statute³⁹ – not only was Iran not mentioned, but the consensus portion of the document made no reference to the role of the UN Security Council in enforcing the treaty.⁴⁰ The question of strengthening provisions against opportunistic withdrawal by non-compliant states parties – the North Korea model – was not addressed in the consensus portion of the final document, having been strenuously opposed by the Non-Aligned and other states in Subsidiary Body III.

Questions of appropriate norms to manage the spread of civilian nuclear energy were also left largely unaddressed in the consensus action plan. Both export controls as a condition of supply of nuclear technology and new measures on nuclear security were mentioned only in the review section,⁴¹ having been opposed by the Non-Aligned states as burdensome impositions in addition to existing non-proliferation obligations. Some modest ground was broken in the form of the encouragement of further discussion of multilateral approaches to the fuel cycle,⁴² but the action plan also included a call on states parties to ‘[r]espect each country’s choices and decisions in the field of peaceful uses of nuclear energy without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle

³⁷ Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 28 May 2010. NPT/CONF.2010/50 (Vol. I) Part I, Review of Operation of the Treaty, 18.

³⁸ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations for Follow-on Actions, II/28.

³⁹ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, II/26.

⁴⁰ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, II/27.

⁴¹ NPT/CONF.2010/50 (Vol. I) Part I, Review of Operation of the Treaty, 26 and 58-71.

⁴² NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, III/58.

policies.⁴³ In other words, the 2010 NPTRC provided little evidence of any shared desire to limit the spread of back-end fuel cycle technologies, nor of any shared understanding of a need for active management of the civilian nuclear renaissance in non-proliferation terms.

In the field of disarmament, the relevant section of the action plan by definition represents the best effort of the states parties to the NPT to frame an agenda for the pursuit of nuclear abolition. The key questions about this portion of the document for our purposes are: firstly, what new ground was broken, in comparison to the outcomes of previous Review Conferences; secondly, what the likelihood of implementation of these commitments might be; and, thirdly, what can be said about the nature, in particular the feasibility, of the disarmament agenda to which the parties were able to agree.

The most basic measure, and the most crucial in securing support for this section of the document, was the reaffirmation of the ‘unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament’⁴⁴: a basic guarantee of good faith under Article VI. This was a pledge first made in the 2000 Final Document,⁴⁵ and as such could not be said to be breaking new ground – however, American and French refusal to accept this commitment as binding had been a central factor in the failure of the 2005 Review Conference. As such, its return as a consensus commitment in 2010 signified the restoration of the post-1995 understanding that the basic intent of Article VI, and therefore of the NPT as a whole, is total nuclear disarmament.

To that end, the most significant practical undertaking in the action plan was the United States and Russia’s commitment to seek prompt ratification of New START, and

⁴³ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, III/47.

⁴⁴ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/A/ii.

⁴⁵ NPT/CONF.2000/28 Part I, Article VI and eighth to twelfth preambular paragraphs 15/5.

the call for the two parties to ‘continue discussions on follow-on measures in order to achieve deeper reductions in their nuclear arsenals.’⁴⁶ Given the continuing disparity between the sizes of the US and Russian arsenals and the next largest nuclear powers, this is self-evidently the necessary first step towards a more ambitious disarmament process.

However, most of the other practical disarmament steps endorsed in the action plan were familiar from previous Review Conferences, particularly 2000. The thirteen steps were endorsed, despite only twelve of them being of practical relevance after the United States’ abrogation of the ABM Treaty, and indeed much of their content was repeated in Action 5, either verbatim or in slighter weaker language. Thus, the NWS were called upon to pursue further reductions in nuclear weapons stockpiles, to reduce the role of nuclear weapons in security doctrines, to ‘consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapon systems’, and to increase transparency.⁴⁷ Similarly, the undertaking of the NWS to ratify the comprehensive test-ban treaty⁴⁸ and the commitment by all states to maintain a test-ban moratorium in the meantime⁴⁹ were simply transplants from previous conferences.

Some modest new ground was admittedly broken. The deadlock in the Conference on Disarmament was recognised in the provision for a high-level conference on a Fissile Material Cut-off Treaty to be convened by the UN Secretary-General in September 2010;⁵⁰ the NWS were encouraged to report on their disarmament to the 2014 Preparatory Conference;⁵¹ and the idea of a nuclear weapons convention was noted for the first time in the NPT review process,⁵² along with a reaffirmation of

⁴⁶ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/B/4.

⁴⁷ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/B/5.

⁴⁸ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/D/10.

⁴⁹ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/D/11.

⁵⁰ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/E/15.

⁵¹ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/B/5.

⁵² NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/B/iii.

the importance of compliance at all times with international humanitarian law.⁵³

Nevertheless, the action plan on disarmament was more notable for those measures it might reasonably have been expected to include, but which it left out. The review section of the final document is a guide to the debates left unresolved. No significant legal or institutional ground was broken: the idea of a nuclear weapons convention as the primary vehicle for disarmament, although noted, was not endorsed, nor was a timeline for actions on disarmament established, to the traditional chagrin of many non-aligned states. The closest that the conference could get to consensus on this point was the review's affirmation that 'the final phase of the nuclear disarmament process and other related measures should be pursued within an agreed legal framework, which a majority of States parties believe should include specified timelines.'⁵⁴

On some high-profile practical disarmament measures, furthermore, the language of the 2010 action plan retreats past that of earlier documents. Despite widespread acknowledgment of the limited military utility of the United States' tactical nuclear weapons in Europe, for example, the action plan limited itself to the indirect call for the NWS to '[a]ddress the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament,'⁵⁵ where the 2000 final document had called explicitly for the 'further reduction of non-strategic nuclear weapons.'⁵⁶ A working paper on de-alerting co-sponsored by Chile, Malaysia, Nigeria, Switzerland and New Zealand, and heavily praised by disarmament NGOs, succeeded only in securing a call for the NWS to '[c]onsider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems,'⁵⁷ a step down from the 2000 final document's agreement on '[c]oncrete agreed measures'

⁵³ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/A/v.

⁵⁴ NPT/CONF.2010/50 (Vol. I) Part I, Review of Operation of the Treaty, 82.

⁵⁵ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/Plan/B/5(b).

⁵⁶ NPT/CONF.2000/28 Part I, Article VI and eighth to twelfth preambular paragraphs 15/9.

⁵⁷ NPT/CONF.2010/50 (Vol. I) Part I, Conclusions and Recommendations, I/Plan/B/5(e).

on de-alerting.⁵⁸

In essence, the review conference's agreements on disarmament can be separated into four categories. Firstly, references to actions: general stockpile reductions, and the consideration of all nuclear weapons regardless of type or location – the very oblique reference to the removal of tactical nuclear weapons in Europe. Secondly, there are matters of agenda-building: the reaffirmation of the unequivocal undertaking and of the thirteen steps, a reference to the UN Secretary-General's five point plan, and a reference to a nuclear weapons convention or framework of agreements. Thirdly, there are treaties, institutions, and multilateral mechanisms: the CTBT, an FMCT, the state of the CD, negative security assurances, and nuclear-weapon-free zones. Lastly, there are the principles and conditions under which disarmament is to be pursued: the final document affirms the principles of irreversibility, transparency, and verifiability in disarmament; it covers, albeit in weak language, the role of nuclear weapons and their operational status; it touches on the issue of modernisation of weapons; it makes reference to the need for work on verification capabilities regarding an FMCT; and it emphasises the importance of disarmament and non-proliferation education.

This is clearly a broad agenda, but it is also shallow. Few of its components advance beyond what might reasonably be expected in a programme of arms control – and where they do, the relevant commitments are very weakly worded. Furthermore, it is disarmament-centric. That is to say, where it seeks the abolition of nuclear weapons, it focuses only on measures related to their production, deployment and maintenance. It does not treat in good faith the reasons for states' continued possession of nuclear weapons, and there is very little sign of measures acknowledging the broader range of security concerns. This, as will be discussed later, is an approach inconsistent with the

⁵⁸ NPT/CONF.2000/28 Part I, Article VI and eighth to twelfth preambular paragraphs 15/9.

reality of nuclear weapons possession and proliferation – namely, that ‘security is the problem; weapons one solution... Pursuit of [nuclear] weapons is contingent upon security. If states can achieve it without them, they have no need for them, which is another way of saying a nuclear-free world hinges on a more secure one.’⁵⁹

Before analysing the substance of this agenda further, let us briefly discuss the likelihood of its implementation. There are of course limits to the value of predicting the future in the nuclear realm: the influence of events is crucial. However, it is worth noting two facts about the disarmament commitments made at the 2010 NPTRC: firstly, that on current evidence they are unlikely to be implemented fully, if at all, by the time of the next review conference in 2015; and, secondly, that their implementation will require changes in approach, and perhaps reforms to existing multilateral institutions, that on current form look highly challenging.

Let us take first what in practical terms is the disarmament centrepiece of the 2010 final document – the call for a follow-on agreement to New START. The treaty’s tortuous passage through the US Senate produced several visible signs of rightwing rebellion against Obama’s arms control agenda, and even against the notion of arms control itself. This included likely Republican presidential candidate Mitt Romney calling the treaty Obama’s ‘worst foreign policy mistake’,⁶⁰ and Senator Jim DeMint calling it ‘another Obama giveaway at the expense of US citizens’.⁶¹ The principal source of Republican opposition to the treaty, aside from partisan opportunism, was a perception that it would impose constraints on US national missile defence, based on the preamble’s recognition of ‘the existence of the interrelationship between strategic offensive arms and strategic defensive arms’, which it noted ‘will become more

⁵⁹ James Wood Forsyth Jr., et al., ‘Remembrance of Things Past: The Enduring Value of Nuclear Weapons’, *Strategic Studies Quarterly* (Spring 2010), p. 86.

⁶⁰ Mitt Romney, ‘Obama’s worst foreign policy mistake’, *Washington Post*, 6 July 2010.

⁶¹ Jim DeMint, ‘The New START Treaty weakens US national security’, *US News & World Report*, 16 August 2010.

important as strategic nuclear arms are reduced.’⁶² In fact, in addition to being a non-binding and eminently reasonable statement of a basic principle of strategic stability, this was no significant departure from existing US policy.⁶³ Nevertheless, it served as fodder for expressions of distrust in Russian intentions and complaints that the administration had capitulated for no reward. The undertone of distaste for the arms control process and scepticism about the strategic offence-defence relationship, sustained over a period of months, provided vindication for those in Russia already suspicious that Obama’s outreach agenda does not reflect his nation’s broader instincts. An extreme example of this was seen in an exchange during the Senate Foreign Relations Committee hearings, in which Senator DeMint objected to the treaty on the grounds that it would prohibit the United States from having ‘a missile defense system that renders [the Russian] threat useless’, a goal which Secretary of Defense Robert Gates pointed out would be ‘enormously destabilizing, not to mention unbelievably expensive.’⁶⁴ New START passed the Senate by a vote of 71-26, a much narrower margin than START I (93-6) and SORT (95-0), despite being decidedly moderate in substance, which suggests not only that a follow-on agreement may be politically difficult for a second Obama administration (and presumably a non-starter under a Republican president), but that Russia might legitimately be concerned about the United States’ reliability as a negotiating partner.

Moreover, the negotiating agenda for a follow-on agreement is an order of magnitude more complex than New START, whose principal function was to ensure the extension of verification and monitoring while picking the low-hanging fruit in terms of numbers. Further cuts in the US arsenal may well not be possible without significant

⁶² Treaty between the United States of America and the Russian Federation on measures for the further reduction and limitation of strategic offensive arms, Prague, 8 April 2010.

⁶³ Senate Committee on Foreign Relations, *The New START Treaty*, 111th Cong., 2d Sess., 2010, S. Rep 91-115, 38-9.

⁶⁴ Senate Committee on Foreign Relations, ‘The New START Treaty’. Hearings of the Senate Committee on Foreign Relations, 111th Congress, Second Session, S. HRG 111-738, 18 May 2010.

changes in nuclear posture. According to Gary Samore, White House Coordinator for WMD Proliferation, the United States is ‘stable for the foreseeable future’ in terms of numbers of nuclear weapons.⁶⁵ Given the effort required to produce the modest shift in policy achieved in the most recent Nuclear Posture Review, it is reasonable to assume that the kind of adjustment necessary to allow for deeper cuts is unlikely to take place before the 2015 Review Conference. Moreover, the scope of a follow-on agreement would be much wider, including tactical nuclear weapons, conventionally-armed strategic forces, and concrete steps on missile defence.

Clearly, these are considerably more demanding challenges. However, it could be argued that the effort to negotiate a new bilateral agreement that includes these issues is an opportunity, inasmuch as it would represent something much closer to disarmament than to arms control. That is to say, if achieved, it would give the disarmament project substantive ‘bite’. For example, as Nikolai Sokov has noted, verifying disarmament of tactical nuclear weapons requires verification of the physical dismantlement of warheads, rather than delivery vehicles⁶⁶; and regulating strategic conventional forces would necessitate a considered assessment of each side’s strategic goals in broad terms, rather than being restricted to an arms control framework inherited from Cold War definitions of strategic stability. A follow on to New START could therefore be the testing ground for conceptual work crucial to the future of nuclear disarmament. However, this work may well be more than can be achieved before 2015, which raises the danger that expectations raised among NNWS by the 2010 review conference will be dashed.

Prospects for progress on the two other major substantive commitments from 2010 – the familiar calls for CTBT entry into force and the negotiation of an FM(C)T – are bleak. The key to CTBT entry into force remains its ratification by the United States

⁶⁵ Interview by the author, Washington DC, 11 May 2010.

⁶⁶ Nikolai Sokov, remarks to the International Institute for Strategic Studies, 7 December 2010.

Senate; however, the political cost of passing New START, combined with a busy Senate agenda and an ever-worsening partisan atmosphere, militates against the Obama administration's chances of success. The likely cost of ratification, moreover, is a further increase in funds allocated for the modernisation of the US arsenal – thus, even if this long-term target of the disarmament movement is reached, the manner of its achievement may well be unpalatable to the non-nuclear weapon states.

For its part, the FM(C)T remains in stagnation at the Conference on Disarmament, blocked by Pakistan. Here, progress is thwarted both by the problem of NPT non-universality – Pakistan is not party to any nuclear 'grand bargain' – and by NWS dynamics: a significant part of China's hedge against unfavourable strategic developments is fissile material capacity. The 2010 final document did at least provide for institutional flexibility in pursuit of an FM(C)T in calling for a high-level meeting to be convened by the UN Secretary-General, but there remains significant opposition to a simple circumvention of the Conference on Disarmament.

Lastly, the weakness of language on the Nuclear Weapons Convention concept in the consensus action plan is an obvious sign that tangible progress in this field is unlikely. Notwithstanding the hope that disarmers might have gained from some states' support of the NWC initiative, and the limited legitimisation of the idea gained from it being noted in the final document, NWS opposition to a formal disarmament instrument at this stage remains almost absolute.

By 2015, therefore, it is likely that the familiar debate will re-emerge: the NWS will present modest agreements and unilateral initiatives as evidence of Article VI compliance, and the NNWS will argue that previous commitments have been ignored – and Iran's scheduled chairmanship of the Non-Aligned Movement makes a temperate climate on the issue unlikely.

5.5 Assessing the disarmament strategy

What conclusions can we draw, then, about the effects of the United States' strategy and the relationship between non-proliferation and disarmament? In the first place, we have the fact of a final document adopted by consensus. There is strong evidence to suggest that nuclear-weapon state – and particularly American – emphasis on disarmament was a significant factor, and perhaps a necessary condition, in achieving this outcome. As noted earlier, the working atmosphere of the conference was positive, a fact for which many states parties credited the United States – and, as one State Department official observed, 'if, overwhelmingly, people want a good outcome, it's hard for one (or a group) of states to go against that.'⁶⁷

The specific tactical effect of this change in atmosphere was to give the US the ability to isolate Iran. By approximately the second week of the conference, although the NAM's negotiating position was still hard-line, Iran's own efforts to block consensus in the conference as a whole were losing support within the NAM. By the last week, Iranian Ambassador to the IAEA Ali Soltanieh was asserting that failure by the NWS to compromise on either a nuclear weapons convention, timelines for disarmament, or negative security assurances would mean the failure of the conference. This tactic was clearly unsuccessful. As John Duncan, UK Ambassador for Multilateral Arms Control and Disarmament, noted, '[b]eing forced to hold up the final meeting to get one's instructions reversed because you are completely isolated is hardly a big win... Iran's disruptive approach was resoundingly rejected.'⁶⁸

Nevertheless, although US good faith on disarmament was necessary in allowing for consensus, it was by no means sufficient – nor indeed was it necessarily the most important factor in success. Given Egypt's crucial tactical position, ensuring it had a

⁶⁷ Interview with the author, Washington DC, transcript, 18 May 2010.

⁶⁸ John Duncan, 'A Middle East Zone Free of Weapons of Mass Destruction', Foreign Office blog, 30 May 2010. Retrieved from http://blogs.fco.gov.uk/roller/duncan/entry/a_middle_east_zone_free, 18 February 2011.

stake in a constructive outcome was always going to be crucial – and Egypt’s highest priority was an agreement on the implementation of the 1995 resolution on the Middle East. The United States clearly recognised this fact, hence the high-level political intervention in the Middle East negotiations in the last week of the conference. It is hard to imagine that once an agreement on the Middle East looked achievable Egypt would have allowed concerns over disarmament to block overall consensus.

Moreover, there is no evidence of a direct substantive trade-off between disarmament and non-proliferation. As outlined above, the United States received little for its pains: no meaningful language on the Additional Protocol; only platitudes on non-compliance; a refusal to affirm the UN Security Council’s role in enforcement; and nothing at all on the issue of withdrawal. It is important to bear in mind that the United States’ substantive goals as outlined before the Review Conference had been seen as ambitious, but by no means unrealistic. And whatever post-hoc emphasis might have been placed on the fact of achieving a consensus final document, the absence of significant new practical commitments on non-proliferation, despite abnormal levels of goodwill and vigorous diplomacy on the part of the United States, cannot be ignored. Deepti Choubey warned before the conference that a ‘meaningless, lowest common denominator document agreed to by all would be more farce than progress’. 2010 was no farce, but in the areas the United States ‘cares about the most’, there was little progress.⁶⁹

In fact, looking at the final document as a whole, the overwhelming impression one receives is one of a lack of substantive progress. Yet it is hard to attribute this to the old complaint of a ‘lack of political will’. The United States’ good faith efforts were matched by an engaged Egyptian delegation – and, more broadly, a sense that the positive atmosphere of the preceding 18 months should be exploited. As one Indonesian

⁶⁹ Deepti Choubey, ‘Defining Success for the NPT Review Conference’, *Carnegie Endowment Proliferation Analysis*, 3 May 2010.

official conceded, albeit whilst airing grievances about NWS inflexibility on the timelines issue: ‘We all have to help our colleagues from the United States. If you talk about incentive[s to strengthen non-proliferation]... Nuclear weapon states also have the right to have [an] incentive.’ US good faith on disarmament, he argued, should be rewarded: ‘The point is, don’t leave them unengaged... so they have more and more confidence to do this.’⁷⁰

Such a state of affairs suggests that the problem with the good faith approach is not that it does not work in tactical terms, but that the underlying bargain it seeks to fulfil is flawed. The NWS, in other words, can live up to their Article VI obligations in good faith without effectively addressing NNWS concerns. In the first place, as discussed in the Introduction, the relationship between the NPT’s non-proliferation obligations and Article VI is not the direct functional relationship that exists between non-proliferation and civilian nuclear energy. Secondly, the fulfilment of an abstract global bargain may well not address issues at the regional level, a problem exacerbated by the lack of NPT universality – certainly, this explains the central importance in 2010 of the debate over the Middle East. This element of the Prague agenda – the trade of disarmament concessions for cooperation on non-proliferation – is hostage to the original flaws in the NPT. It is therefore hard to agree with President Obama’s assessment that ‘the basic bargain is sound.’

Some would go further still, to argue that not only are the benefits of a good faith approach limited but that its costs make it a dangerous mistake. Emily Landau has argued that the disarmament agenda put the Obama administration at a disadvantage vis-a-vis Egypt in two respects: that its desire to show progress on the disarmament vision meant the US needed the Review Conference to be a success, ensuring that Egypt could ‘hold the conference hostage to its agenda’; and, secondly, that ‘by focusing its

⁷⁰ Interview with the author, United Nations, New York, transcript, 19 May 2010.

nuclear arms control agenda on nuclear weapons per se, the US administration...weakened its own ability to put forth convincingly [the argument] that conditions in the Middle East are not conducive to achieving a NWFZ because of lack of peace, lack even of recognition of Israel on the part of some states, and Iran's ongoing cheating and threats.⁷¹ In addition, a former Bush administration official stated that similar concerns lay behind internal opposition to his own proposals to express more strongly the United States' attachment to its disarmament obligations in the lead-up to 2005: the fear, he said, was that 'the engagement and disarmament-friendly outreach that went into US agreement on these things then becomes something that is...leveraged against us in a quasi-legal way, beyond its actual weight. And there was great concern that I was sowing the seeds for more trouble than I would get us out of.'⁷²

The first critique can mainly be discarded. In the first place, in consensus-based negotiations, any state by definition has the ability to 'hold the conference hostage'. Moreover, in negotiating seriously on the Middle East, the United States had the ability to give Egypt a stake in a successful outcome. The latter two arguments, however, do carry some weight. Emphasising disarmament does legitimise a certain amount of myopia about problems not involving nuclear weapons, as will be discussed further below; and behaviour on the part of the United States that implies the conditionality of broader NPT compliance on specific disarmament progress is a recipe for future trouble – again, this is a theme that will be returned to later in the chapter.

In sum, returning to the rationales for the disarmament-centric approach laid out earlier, it would appear that the most persuasive statement about the nature of the disarmament-nonproliferation relationship is political: that efforts to fulfil commitments made in the context of the review process are essential for the NPT to function as a

⁷¹ Emily Landau, '2010 NPT RevCon: Opening Bids and Conflicting Agendas', *INSS Insight* 80 (9 May 2010).

⁷² Interview with the author, Washington DC, transcript, 12 May 2010.

multilateral institution. It also appears to be the case that for other countries to work the United States' issues, the United States must work theirs – but, at the same time, that the flaws in the basic NPT bargain make substantive progress on either set of issues highly challenging. Ambitious claims have been made for the underlying logic of the NPT: Anthony Burke, for example, has written that '[t]he key to controlling proliferation lies in disarmament: in recognising that Article VI of the NPT forms the stabilising core of the entire process, because of its status as the global bargain that holds the system together.'⁷³ The most that can be said of such an assertion, based on the evidence of the 2010 NPT Review Conference – and that messy process is, after all, what constitutes 'the system' – is that it remains unproven.

5.6 Implications for the multilateral disarmament agenda

A number of lessons can be drawn from the 2010 Review Conference about the suitability of the NPT framework for the pursuit of disarmament, and few of them are positive. One issue – potentially resolvable – is that of the timing of concessions in the NPT review process. There seem to be two concepts of the NPT review process, leading to different views on the sequencing for nuclear disarmament. For the NWS, review conferences remain backward-looking. In 2010, the emphasis of the UK and US in particular was to communicate disarmament steps already taken and to seek recognition for them. (This process of communication extended also to the NGO audience, with more than one event on Article VI compliance being hosted by the United States delegation on the sidelines of the conference). For the NNWS, on the other hand, motivated by an understanding that their diplomatic leverage in ordinary circumstance is limited, the NPTRC is an opportunity to extract forward-looking disarmament concessions. However, with the NWS unwilling to be constrained by formal timelines

⁷³ Anthony Burke, 'Nuclear Reason: At the Limits of Strategy', *International Relations* 23:4 (2009), p. 523.

for disarmament, these diverging approaches produce frustrations on both sides regarding each other's expectations of the review process. According to Ambassador Alfredo Labbe, head of the Chilean delegation to the 2010 NPTRC, 'We [the NNWS] can preach, we can admonish, we can demand. Whereas the nuclear weapon states necessarily will need ... a more tactical, more cynical, more short term approach intended ... to win yet another couple of decades for this wonderful device called 'Nuclear Non-proliferation Treaty', which has worked handsomely on behalf of the security interests of the five nuclear [states].'⁷⁴

A more practical question, if the NPT is seriously to become the vehicle for progress on nuclear disarmament, is whether it engages the appropriate sections of the leadership of states parties. Nuclear weapons, for non-nuclear-weapon states, are a matter for foreign ministries; in the nuclear-weapon states, they are the domain of defence ministries (and treasuries). It might be suggested, therefore, that disarmament negotiations might be more fruitful were they to engage representatives of NWS defence establishments. It was this consideration, in fact, that lay behind UN Secretary-General Ban Ki-Moon's suggestion that the UN Security Council P5 Military Staff Committee might convene to discuss security aspects of nuclear disarmament, under Article 47 of the UN Charter.⁷⁵ The P5 conference on confidence-building measures for disarmament held in London in September 2009 and replicated several times since, is an example of a similar initiative. Tighter integration of defence personnel (and senior political leadership) into these discussions seems to be a practical way of making NWS concessions on disarmament credible. However, it must also be accepted that such conferences, in bringing together NWS representatives in private, may also have the political effect of allowing the P5 to coordinate their resistance to disarmament

⁷⁴ Interview by the author, United Nations, New York, 6 May 2010.

⁷⁵ Ban Ki-Moon, 'The United Nations and Security in a Nuclear-Weapon-Free World', remarks to East-West Institute, New York, 24 October 2008.

pressure, rather than to explore new avenues for progress.

On a related note, the structure of domestic political institutions in nuclear-weapon states is relevant to progress in disarmament negotiations, and indeed has an observable effect on the NPT review process. Randy Rydell argues that implementation of the disarmament agenda will require internalisation of global disarmament norms in domestic structures: starting, simply, with bureaucratic agencies specifically tasked with disarmament affairs.⁷⁶ In this sense, the experience of changes in the structure of the US State Department is instructive. With the demise of the Arms Control and Disarmament Agency, these issues have lost an institutionalised advocate.

Lastly, it is worth fully exploiting as confidence-building measures current opportunities for formal and informal arms control. As Lewis Dunn argues, for example, ‘as part of an expanded arms control toolbox, many different cooperative security activities can contribute to reshaping the U.S.-Russian and U.S.-Chinese strategic relationships successfully, as well as building habits of cooperation among the five NPT nuclear-weapon states.’⁷⁷ Arms control, of course, is a different process from disarmament, but such initiatives have the advantage of producing outcomes obviously in the self-interest of nuclear-weapon states through a process that clearly fits the demand for negotiations in good faith under Article VI. When taking place amongst all of the P5, moreover, they can provide the first steps towards multilateralising the disarmament process.

As well as considering institutions, it is instructive to examine the paradigms under which the 2010 Action Plan expects disarmament to be pursued – in particular, the mantra of ‘irreversibility, verifiability and transparency,’ to which all states committed for the first time in 2010 in the implementation of their treaty obligations.⁷⁸

⁷⁶ Interview by the author, United Nations, New York, 21 May 2010.

⁷⁷ Lewis A. Dunn, ‘Reshaping Strategic Relationships: Expanding the Arms Control Toolbox’, *Arms Control Today* (May 2009).

⁷⁸ NPT/CONF.2010/50 I/A/Action 2.

These are principles not only prized by NGO advocates and all groupings of the non-nuclear-weapon states, but also by some of the nuclear-weapon states. The inclusion of a reference to these three principles was an explicit goal of the Non-Aligned Movement⁷⁹, the New Agenda Coalition,⁸⁰ and the United States.⁸¹ Examining these principles separately, however, we can see it is by no means clear that each is possible, nor in fact necessarily desirable.

Verifiability is the most self-evidently desirable of the three. However, verification in the disarmament context is qualitatively different from verification in arms control. As noted above, bilateral US-Russian arms control agreements thus far have verified the conversion or destruction of nuclear delivery vehicles, not the warheads themselves. Verifying the dismantlement of warheads involves separate and formidable challenges, some of which were explored in a joint study by the United Kingdom, Norway, and the Verification Research, Training and Information Centre (VERTIC) from 2007-2010. The study produced a range of highly useful practical insights, and VERTIC's report concluded, based on the evidence of the UK-Norway Initiative, that 'there is nothing to suggest that the verification of warhead dismantlement is not technically feasible... [nor] to suggest that dismantlement verification cannot be kept within acceptable levels of tolerance [for intrusiveness or reliability]'.⁸² However, the implementation of such verification methods remains a distant prospect, given that the UK-Norway project saw a significant need for further research even without having explored the possibility of active cheating by one of the

⁷⁹ Statement of the Non-Aligned Group of States Parties, NPTRC Main Committee 1, 7 May 2010. Retrieved from http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements/7May_Non%20Aligned%20Movement.pdf, 18 February 2011.

⁸⁰ Statement of the New Agenda Coalition, NPTRC Main Committee 1, 7 May 2010. Retrieved from http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements/7May_New%20Agenda%20Coalition.pdf, 18 February 2011.

⁸¹ Statement of the United States, NPTRC Main Committee 1, 7 May 2010. Retrieved from http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements/7May_United%20States.pdf, 18 February 2011.

⁸² David Cliff et al., 'Verifying Warhead Dismantlement: Past, Present, Future', *Vertic Research Reports* 9 (September 2010).

parties to a disarmament agreement.

‘Transparency’ poses its own problems. The 2010 Nuclear Posture Review and Secretary Clinton’s announcement at the NPTRC suggest that the United States has concluded that transparency regarding the size of its nuclear arsenal, force structure (to an extent) and declaratory policy all serve to strengthen the credibility of its deterrent – as, respectively, does the UK’s Strategic Defence and Security Review. In announcing a reduction in the air-launched component of the *force du frappe* in 2008, President Sarkozy revealed the size of France’s arsenal to be less than 300.⁸³ Russia has not yet followed suit, but the bilateral arms control process with the United States provides a structure for greater transparency, at least in terms of strategic forces.⁸⁴ China, however, poses a different problem – one which points to greater challenges for future disarmament. Whilst ‘transparency’ in China’s long-term *intentions* for its nuclear forces would be valuable, it remains the case that transparency potentially threatens the survivability of a small arsenal, particularly one that relies on ground-based missiles, more than it threatens a large arsenal. The relationship between transparency and stability at low numbers of nuclear weapons is complex, and it should not simply be assumed that disarmament and transparency go hand in hand.

Lastly, ‘irreversibility’. This is perhaps the most troubling of the three paradigms, in terms of both feasibility and desirability – and one needs to look no further than the United States for an explanation. Individual disarmament steps – such as the destruction of warheads, fissile material components or stocks – might be irreversible in the sense that the exact same material cannot be reconstituted, but the retention of a robust nuclear infrastructure makes the point moot. One Department of

⁸³ ‘France to reduce nuclear arsenal, warns of Iran danger’, *AFP*, 21 March 2008. Retrieved from <http://afp.google.com/article/ALeqM5gjC2hKw5R5lQkV5RS3oohAgn-NEg?docId=080321130353.4uh37yuk&index=0>, 18 February 2011.

⁸⁴ Nikita Perfiliev, ‘Chinese transparency needed on nuclear arms’, *The Hill*, 20 January 2011. Retrieved from <http://thehill.com/blogs/congress-blog/foreign-policy/139183-chinese-transparency-needed-on-nuclear-arms>, 18 February 2011.

Defence official estimated that if the United States was to disarm overnight and destroy its fissile material stocks, it would be able to reconstitute a functioning nuclear arsenal within months or perhaps a few years, just as it would be able currently to create a strategic bio-deterrent within months.⁸⁵ Increasing the robustness of the US nuclear weapons infrastructure is a major component of Obama administration policy, including the construction of new plutonium and uranium facilities, a new chemistry and metallurgy facility, and replacement high-explosive facilities, involving a 10% budget increase for fiscal year 2011,⁸⁶ and a total ten-year investment (at current count) of \$85 billion.⁸⁷ Pledges of increased infrastructure spending were crucial in securing Senate Republican support for the ratification of New START,⁸⁸ and will undoubtedly be even more important in any future debate on the CTBT – in the words of one non-governmental expert, the Obama administration's strategy is to 'buy off' the lab directors to ensure that they present a united front in Senate hearings.⁸⁹

Rather than seeing this as evidence that the Obama administration's commitment to disarmament is disingenuous, or purely rhetorical,⁹⁰ the key to understanding the apparent contradiction between disarmament goals and infrastructure spending is to realise that, in fact, irreversibility in disarmament is simply not a practical goal of US policy. In fact, the opposite is true: on this question, the Obama administration's position is very similar to that established in the 1994 Nuclear Posture Review, which called on the United States to 'lead and hedge' – leading in nuclear force reductions, but

⁸⁵ Interview by the author, Washington DC, May 2010.

⁸⁶ FY 2011 Stockpile Stewardship and Management Plan Summary, National Nuclear Security Administration, US Department of Energy, May 2010. Retrieved from http://www.fas.org/programs/ssp/nukes/nuclearweapons/SSMP2011_annexA.pdf, 18 February 2011.

⁸⁷ 'An Enduring Commitment to the U.S. Nuclear Deterrent', White House fact sheet, 17 November 2010. Retrieved from <http://www.america.gov/st/texttrans-english/2010/November/20101118161637su0.9306234.html>, 18 February 2011.

⁸⁸ 'AP source: WH moves to break impasse on arms pact', *Associated Press*, 13 November 2010. Retrieved from <http://abcnews.go.com/Politics/wireStory?id=12136808>, 18 February 2011.

⁸⁹ Interview by the author, Washington DC, May 2010.

⁹⁰ See e.g. Greg Mello, 'The Obama Disarmament Paradox', *Bulletin of the Atomic Scientists*, 4 February 2010.

retaining a strategic hedge in the form of upload capacity for strategic forces and an infrastructure capable of maintaining the arsenal without conducting nuclear tests.⁹¹ According to the 2010 NPR, ‘implementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile.’⁹² In other words, deeper reductions are possible precisely *because* infrastructure spending means they are reversible. Serious attention should also be paid to the question of reversibility in the final stages of the disarmament process – in particular, whether the ability to reconstitute nuclear arsenals might act as a deterrent to breakout from a disarmament treaty, and as an enforcement mechanism should cheating occur.⁹³

It has already been observed that the multilateral disarmament agenda as outlined in the 2010 Final Document is both ‘broad’ and ‘shallow’. To these observations can be added a third – it is myopic. That is to say, in its exclusive focus on the inherent dangers of nuclear weapons and the immediate steps required to reduce their number, it ignores an array of broader security concerns which are not only vital to states’ interests but crucial for any future programme of disarmament to succeed. There is, in other words, a ‘security gap’ in disarmament thinking.

As has been explained in previous chapters, this gap has been inherent in the NPT since its negotiation, when the non-aligned members of the ENDC made a concerted drive to include negative security assurances (NSAs) in the text of the NPT. This effort was successfully resisted by the superpowers, and it took until 1995 for even

⁹¹ US Department of Defense, 1994 Nuclear Posture Review briefing slides, 22 September 1994. Retrieved from <http://www.nukestrat.com/us/reviews/dodnprslides092294.pdf>, 18 February 2011.

⁹² US Department of Defense, ‘Nuclear Posture Review Report’, p. 30.

⁹³ Perkovich and Acton, *Abolishing Nuclear Weapons: A Debate*, pp. 120-122.

a non-binding UN Security Council Resolution to be passed on the subject.⁹⁴ Despite being a perennial subject of complaint for the NNWS, no concrete commitments were made regarding NSAs in the intervening period, and in 2010 - despite suggestions of an attempted compromise behind the scenes - little progress was made.

The problem with NSAs, of course, is that in the absence of an effective system of collective security, they are very much dependent on individual states' threat perceptions, and as such are hard to secure in legally-binding multilateral mechanisms. A potential route to progress using a measure that is explicit in the NPT was highlighted by the United States' commitment to submit for ratification the protocols of the nuclear-weapon-free-zone treaties of Pelindaba and Rarotonga, covering Africa and the South Pacific respectively. However, the NWFZ concept is of primary use where nuclear weapons are already of lower salience. In the region where security assurances (positive and negative) and national proliferation choices are most closely related – the Middle East – security assurances are almost certain to remain a bilateral, rather than multilateral, concern.

A second legacy of the NPT's history in this area is the refining of Article VI to become a purely nuclear-related obligation. The original intent of referring to the pursuit of 'general and complete disarmament' was to relate nuclear disarmament to the broader security context. However, general and complete disarmament (GCD) itself is a concept which to all intents and purposes died along with the more ambitious of the United Nations' post-war plans – as such, its presence in Article VI is dismissed as arcane, meaning that the obligation is frequently simplified to relate to nuclear disarmament alone.

The manifestation of this today is the hostility expressed by NNWS and NGO advocates towards a primarily French line of argument - that Article VI, in demanding

⁹⁴ United Nations Security Council Resolution 984, 11 April 1995. S/RES/984 (1995).

the pursuit of general and complete disarmament, requires states to ‘create the conditions’ necessary for nuclear disarmament. There is, admittedly, a strong element of political obstructionism to this position as expressed by a French government wholly unconvinced of the merits of the abolition goal. However, there is more than a kernel of truth in the approach which conceives of nuclear weapons as tools in a broader framework. It is relevant, for example, to the call –given the thirteen steps of the 2000 final document, and the 2010 action plan – for NWS to ‘reduce the role’ of nuclear weapons in their security policies. Most of the time one can say that nuclear doctrine is formulated in the opposite direction – that the role of nuclear weapons is determined by the threats a state faces, and is not a matter for independent choice based on the intrinsic unpalatability of the weapons themselves.

In this sense, then, the call to ‘create the conditions’ for nuclear disarmament must be taken more seriously, bearing in mind the original intent of Article VI as manifested in its reference to general and complete disarmament. This does not mean a throwback to archaic conventional disarmament negotiations, but instead a willingness to discuss in the NPT context a range of security issues relevant to nuclear disarmament. Without subscribing to his broader claims about the nature of strategy, one can agree with Anthony Burke’s judgment that ‘[i]t is not enough either to affirm nuclear deterrence over [first] use strategies, or to hope that deterrence will become less relevant as levels of conflict and trust move in reassuring directions.’⁹⁵

One key issue in this regard is the effect of disarmament on extended deterrence. The subject matter is suitable for discussion in the NPT forum in that it involves both NWS and NNWS. US allies will require reassurance that their security is not diminished by nuclear disarmament, in two senses: firstly, that strategic nuclear forces can substitute for forward-deployed non-strategic weapons; and, then that conventional

⁹⁵ Anthony Burke, ‘Nuclear Reason: At the Limits of Strategy’, *International Relations* 23:4 (2009), p. 525.

weapons can carry out previously nuclear missions. A successful example in the former cases was provided by the Japanese government's acquiescence in the US NPR's recommendation that the TLAM/N submarine-launched cruise missile be retired.⁹⁶

A second issue is the relationship between the disarmament processes in the nuclear, chemical and biological fields. That there is a practical link between nuclear and biological disarmament was demonstrated clearly in internal debates on US declaratory policy in the NPR, which reserved the right 'to make any adjustment in the [negative security] assurance that may be warranted by the evolution and proliferation of the biological weapons threat.'⁹⁷ Indeed, according to one official closely involved in the NPR process, a shift for the United States to a 'sole purpose' doctrine would be conditional on total global disarmament of biological weapons.⁹⁸ The link between the disarmament processes for all three types of weapon, and its relevance to the NPT, is also implicit in repeated review conference endorsements of a zone free from all weapons of mass destruction in the Middle East.

It would also be reasonable for states in the NPT review process to recognise the salience of conventional arms control, on two grounds: firstly, that it approximates the Article VI obligation to pursue negotiations in good faith on general and complete disarmament; and, secondly, that it is another issue relevant to the security of both NWS and NNWS. The conventional balance is a factor in NNWS proliferation choices, but is equally (if not more) important in persuading NWS other than the United States of the merits of nuclear disarmament. As Dennis Gormley notes, for example, whilst '[c]onsiderable thought has already been devoted to assessing many of the challenges along the way to a nuclear-free world ... far less thought has been expended on why Russia – whose cooperation is absolutely essential for abolition to happen – might ever

⁹⁶ 'Nuclear Posture Review Report', p. 28.

⁹⁷ Ibid, p. 16.

⁹⁸ Interview by the author, notes, Washington DC, 17 May 2010.

wish to proceed toward such a post-nuclear world that would be dominated militarily by American conventional military capabilities and what might be needed to allay legitimate concerns in this regard.’⁹⁹ This linkage is particularly strong in the debate over the US Global Strike programme as an issue in the follow-up to New START, and was implicitly recognised in the treaty’s counting of conventionally-armed ICBMs as part of limits on missile launchers.

Framing a truly effective disarmament agenda, then, will require consideration of a much broader range of issues. As Freedman notes, ‘[w]e need to think about the meaning of stability when there is mutual danger but not assured destruction, when the small arsenals are more in play than the large, and when the underlying political relations are in a constant state of flux and the potential for miscommunication is high.’¹⁰⁰ This will require not only a rethinking of core concepts in nuclear strategy, but also wide-ranging adjustments to the structures of international security. It may be accepted that such issues are unlikely to be tackled constructively, at least for the moment, in the NPT context. However, the central point remains: it is crucial for the conception of disarmament in the NPT to become less myopic, more attuned to the security issues that accompany nuclear disarmament – and less inclined to treat attempts to raise these issues as politically-motivated obstructionism.

At the heart of this problem is a fundamental unwillingness by many advocates of disarmament to accept the validity of nuclear deterrence as a strategy, and instead to view it as a self-serving myth. The corollary of this interpretation is that if the myth can be successfully exposed, governments will no longer feel the need to possess nuclear weapons, or else will face overwhelming pressure to give them up. In the words of the head of the Chilean delegation in 2010, Alfredo Labbe, ‘nuclear deterrence and nuclear

⁹⁹ Gormley, ‘The Road to Deep Nuclear Reductions’, p. 9.

¹⁰⁰ Lawrence Freedman, ‘A new theory for nuclear disarmament’, *Bulletin of the Atomic Scientists* (July/August 2009), p. 29.

weapons [are] constructs. As such, they are political devices – and political thinking changes.’¹⁰¹

It is therefore argued that the key to nuclear disarmament is ‘delegitimising’ nuclear weapons. Berry et al. call this ‘a process of devaluation; diminishing and destroying all claims to legitimacy, prestige and authority.’ They argue that ‘[d]elegitimization gets to the heart of the nuclear deterrence debate and the evidence for nuclear deterrence has been found wanting.’¹⁰² The report of the Evans-Kawaguchi report for the International Commission on Nuclear Non-proliferation and Disarmament similarly asserts that ‘the critical need is to change perceptions of their role and utility: in effect, to achieve their progressive delegitimization, from a position in which they occupied a central strategic place to one in which their role is seen as quite marginal, and eventually wholly unnecessary as well as undesirable.’¹⁰³

As a practical approach to disarmament, however, this argument is flawed. It may be a truism to say that the theory of deterrence cannot be conclusively proven or disproven, but it is still important. One can point to individual cases of deterrence failure, and certainly it should be granted that the more expansive reaches of nuclear strategy can be refuted: massive destruction was indeed abandoned as incredible, and examples of successful nuclear compellence are very hard to find.¹⁰⁴ However, it is exceptionally hard to argue convincingly that the basic tactic of nuclear deterrence does not work, at least to a level that might convince defence planners to choose an alternative. Whatever the complications of managing a broader strategy of deterrence, the destructive power of nuclear weapons is not in doubt, nor in the near term is there likely to be a shortage of leaders afraid for their states’ survival. At an instinctive,

¹⁰¹ Interview by the author, United Nations, New York, transcript, 6 May 2010.

¹⁰² Berry et al., *Delegitimizing Nuclear Weapons: examining the validity of nuclear deterrence*, (Monterey: Monterey Institute for International Studies, May 2010) p. 67.

¹⁰³ ‘Eliminating Nuclear Threats’, p. 59.

¹⁰⁴ The latter point is persuasively argued by Ward Wilson in ‘The Myth of Nuclear Deterrence’, *Nonproliferation Review*, 15:3 (November 2008).

psychological level, deterrence makes sense. And, while one might regret ‘the habit of basing defense policy on the worst-case scenarios’,¹⁰⁵ this is a fact of international security unlikely to change. After all, the delegitimization argument is not particularly new. The moral case against nuclear weapons is long-established – yet it did not prevent civilian and military planners constructing security policies around nuclear weapons for decades, and it is hard to imagine that most did not consider the moral dimension to their decisions.

Approaching this question from a position that rejects the idea of deterrence out of hand leads to some awkward inconsistencies. One of these inconsistencies stems from the implications drawn from the supposed existence of a nuclear taboo – the idea, proposed by Nina Tannenwald, that over generations of non-use there has emerged ‘a de facto prohibition against the first use of nuclear weapons.’¹⁰⁶ A commonly-expressed argument in favour of nuclear disarmament is that ‘the nuclear taboo... undermines nuclear deterrence... If nobody believes that nuclear weapons may still be used anymore, then the deterring effect is rapidly eroding’¹⁰⁷ – from which the conclusion is drawn that such unuseable weapons ought easily to be dispensed with. Yet this is an argument with unexpected consequences. In the first place, it might breed complacency: if the weapons are unuseable, then the immediate imperative for their abolition is weakened. Secondly, constant emphasis on the inutility of nuclear weapons can lend weight to arguments inconsistent with disarmers’ core objectives, inasmuch as it also makes the case for the development for a broader range of nuclear options, including smaller, more useable weapons.¹⁰⁸

It is also troubling that the case for delegitimising nuclear weapons relies on

¹⁰⁵ Berry et al., *Delegitimizing Nuclear Weapons*, p.11.

¹⁰⁶ Nina Tannenwald, ‘Stigmatizing the Bomb: Origins of the Nuclear Taboo’, *International Security* 29:4 (Spring 2005), p.8.

¹⁰⁷ Tom Sauer, ‘A Second Nuclear Revolution: From Nuclear Primacy to Post-Existential Deterrence’, *The Journal of Strategic Studies* 32:5 (October 2009), p. 757.

¹⁰⁸ See e.g. Lieber and Press, ‘The Nukes We Need’.

examples of other classes of weapons where delegitimisation preceded their prohibition, such as chemical and biological weapons, cluster munitions, and landmines. In fact, such analogies carry the opposite implication. The case for the abolition of those weapons could be made on the grounds that their brutality was out of proportion to their strategic utility. With weapons reserved only for situations of vital national interest, however, and used only in relation to strategic goals, the delegitimisation argument loses much of its power. Moreover, it is precisely where the weapons mentioned above do have potential strategic effect that their abolition remains incomplete: for chemical and biological weapons, the Middle East, and for landmines, the Korean peninsula. For this reason, and those listed above, an attempt to ‘delegitimise’ strategic nuclear forces seems unlikely to serve as a practical means of hastening their abolition – although an interesting corollary of this argument is that such an approach might be effective when specifically applied to tactical nuclear weapons.

In general, however, rather than focusing on legitimacy, if policymakers could be persuaded that the balance of risk in retaining nuclear weapons relative to their usefulness is unfavourable, then progress on disarmament would be considerably more likely. This, in essence, is the key insight of the ‘Four Horsemen’. For an effective disarmament agenda to be constructed, it will remain necessary to ‘speak the language’ of deterrence – which, at the moment, many disarmament advocates are wary of doing.

5.7 Conclusion

A net assessment of the 2010 Review Conference is discouraging. New substantive ground was hardly broken in either non-proliferation, or disarmament, or managing the peaceful uses of nuclear energy. Although a final document was produced, the diplomatic process remained excruciating – and the United States in particular saw little

substantive return on its considerable investment of political and diplomatic capital.

Potter et al. have drawn from the 2010 Review Conference the lesson that ‘the basic bargain that made possible [the NPT’s] negotiation continues to be highly valued by all states parties.’¹⁰⁹ Yet, the consensus portion of the 2010 final document mostly fails to advance beyond commitments made in 1995 and 2000. And, as outlined in this chapter, in the area of disarmament those commitments have already been abandoned once, in 2005; the prospects for their implementation look highly uncertain; and the current state of the multilateral disarmament agenda is conceptually inadequate.

Indeed, the 2010 NPTRC provided a clear demonstration of the limits of the multilateral disarmament agenda. No practical measures were adopted beyond what might be expected from a programme of arms control, and few commitments were made beyond those emerging from previous review conferences. The perennial and unproductive debate over Article VI therefore remains essentially unchanged as the framework for thinking about disarmament, and about the disarmament-nonproliferation relationship. Moreover, this chapter has judged that the instrumental rationale for promoting disarmament – that it will build cooperation on non-proliferation – was, on the evidence of the 2010 Review Conference, not proven. Such an approach contributes to the health of the diplomatic process – and might be necessary for that reason alone – but otherwise produces little practical output.

This state of affairs lends weight to the conclusion that the NPT has not progressed beyond the false promise of 1995 and 2000. The ‘bargain’ at the heart of the NPT has never been truly strategic – rather, the treaty has relied on a structure of political trade-offs. Given that security concerns remain the dominant factor in states’ proliferation decisions – and in the continued possession of nuclear weapons by the NWS – and given that the structure of international security is no longer organised in a

¹⁰⁹ Potter et al., ‘The 2010 NPT Review Conference: Deconstructing Consensus’, *CNS Special Report* (Monterey Institute of International Studies, 17 June 2010), p. 21.

way that easily constrains proliferation (as it was during the Cold War), the NPT lacks the means either to satisfy the NNWS' demands in the long run or to engage the NWS in substantive measures of disarmament.

The central conclusion of this chapter, on this basis, is that the multilateral disarmament agenda as pursued through the NPT needs seriously to address the strategic concerns involved in any 'bargain' between nuclear- and non-nuclear-weapon states, which requires a focus on the broader security implications of disarmament, including a true engagement with the principles and practicalities of deterrence. A great deal of conceptual work, unprecedented in the history of the NPT, needs to be done before the multilateral disarmament agenda can be expected to produce concrete results.

Conclusion: the dilemma of NPT politics

A review written in 1967 of the emerging literature on proliferation made the observation that, typically, ‘the phenomenon is regarded as a *problem* which in one way or the other must be solved’ – and that this was typically either attempted from the perspective of the author’s nationality, of from the perspective of world peace and disarmament.¹ To a great extent this remains true today. The starting point of most examinations of proliferation, and non-proliferation, is either to propose a method by which the non-proliferation regime can be tailored to achieve a future goal, almost always the abolition of nuclear weapons, or by which a country’s policies can be tailored to strengthen the regime, with a future goal in mind. The core purpose of this thesis has been to seek first to step back from that ‘goal-oriented’ perspective, and to describe what the role of disarmament in the NPT context originally was, how it developed, and how it stands today.

With that in mind, this thesis has sought to demonstrate that the NPT ‘bargain’ between non-proliferation and disarmament is widely misunderstood. On the one hand, it is a distortion of history to suggest that commitments were made for the nuclear powers to disarm as a direct quid pro quo for the non-nuclear powers’ renunciation of nuclear weapons. On the other hand, the diplomatic history that led to the emergence of Article VI as a crucial political concession not only to the non-aligned states but also to Western non-nuclear allies, has been overlooked. Both of these misapprehensions, which are common in today’s debates around the NPT, obscure a broader political reality, which is that the acceptance of the NPT as a ‘second-best’ solution to the problem of nuclear weapons was, and has remained, necessary because of profound disagreements surrounding the ideal solution. And simply put, the experience of the 2010 NPT Review Conference shows that the post-Cold War attempt to map a route to

¹ Bertel Heurlin, ‘Nuclear Proliferation: Some Observations on the Current Literature’, *Cooperation and Conflict* 2:3/4 (1967), p. 208.

the ideal solution – now defined in diplomatic language as a world without nuclear weapons – through the framework of the NPT contains severe flaws, which can be traced back to the original debates over the treaty.

The first two chapters of this thesis demonstrated that the NPT evolved not as a bargain between states committing either to non-proliferation or to disarmament, but rather as a joint project for non-proliferation made politically workable by an understanding that an NPT was one step in a broader process, symbolic of the idea that the treaty was not intended to legitimise indefinite possession of nuclear weapons by one group of states. That political understanding was the demand not just of non-aligned states, but of Western allies preoccupied with the need to sell the treaty to their own publics. However, the treaty was made possible by a shift by the superpowers away from propagandistic proposals for general and complete disarmament, and towards partial measures, of which the NPT was the most significant. The United States had made what it felt to be a significant sacrifice in abandoning the MLF, and was not inclined to take on any other limitations on its freedom of action in order to secure an NPT. Thus, it was established early on, and guaranteed by careful US-Soviet diplomacy, that there would be no explicit linkage between the non-proliferation obligation and specific disarmament steps.

The third and fourth chapters showed how this arrangement was maintained by a combination of diplomatic tactics and a willingness on the part of the nuclear powers to accept, in political terms, that the ideal solution to the nuclear problem was a world free from nuclear weapons. The years immediately following the NPT underlined, however, that while the superpowers might have understood the political necessity of reaffirming the goal of disarmament, the negotiation of the NPT had not been the spur to any further reassessment of their own nuclear weapons policy. This was confirmed by their engagement in SALT negotiations which could be framed as a contribution to the goals

of Article VI, but which was motivated by a set of assumptions which held the regulation of nuclear deterrence as the primary goal, not its removal or replacement.

The natural dynamic of NPT Review Conferences, meanwhile, allowed an increasing number of states to sign the NPT and participate in the non-proliferation regime whilst maintaining the moral high ground on disarmament, which gradually led to raised expectations about what the NPT bargain demanded of the nuclear-weapon states. The end of the Cold War, and the decision to pursue in earnest a Comprehensive Test Ban Treaty, led to the indefinite extension of the NPT in 1995 with further political declarations about the goal of disarmament, reinforced at the 2000 NPT Review Conference.

However, as shown in Chapter V, the basic nature of the NPT 'bargain' had not changed: this was still a treaty without explicit conditionality between non-proliferation and disarmament steps, a fact manifested clearly at the 2010 NPT Review Conference. With renewed attention being paid to the goal of nuclear disarmament at an official level, the argument was again heard that concessions from the nuclear-weapon states would encourage non-nuclear-weapon states to agree to strengthened non-proliferation commitments. This strategy was pursued vigorously by the United States in the lead up to 2010. However, such hopes extended only as far as securing consensus on a final document, a necessary marker of continued international faith in the NPT after the failed 2005 Review Conference, but not on including within that document the tangible measures the United States had pursued. In fact, a greater contributor to the conference's 'success' was the inclusion of an agreement to convene a meeting on a WMD-free zone in the Middle East.

Evident, too, in the 2010 Review Conference's failure to move significantly beyond the disarmament programme laid out in 2000 was the fact that although the evolution of NPT diplomacy has meant the constant reaffirmation of the goal of nuclear

disarmament, the NPT bargain has never dealt with the conditions that would be necessary for disarmament to be achieved. Rather, the measures it has discussed are those that would be a *signal* of progress towards disarmament, not ones which would *encourage* it, due to the long-standing assumption by many non-nuclear-weapon state parties that nuclear deterrence is itself a danger to be removed, rather than a condition to be managed.

Thus, the central dilemma of the Article VI debate is that although the NPT has become the focus for a diplomatic consensus on the need for nuclear disarmament, the NPT, by the nature of its history and its structure, is ill-suited to encourage progress towards that goal. The processes necessary for nuclear disarmament to take place are likely to need to happen outside of an orchestrated process mandated in the NPT context and the value of disarmament should not primarily be judged in terms of its benefit to the non-proliferation regime. Similarly, while demonstrating a broad commitment to the goal of disarmament is needed in making sure states continue to support the NPT in political terms, attempting to offer specific disarmament steps in return for specific non-proliferation measures is not a viable strategy.

Whether through accident or good design – and this remains an open question – the NPT has helped to head off the world of many nuclear powers whose dangers rallied states around the cause of non-proliferation in the 1960s. However, it has not yet served to consolidate agreement on the route to any better solution than this avoidance of worst-case outcomes, in large part because it was never designed to do so. Thus, if the search to solve the problem of proliferation, and eventually the problem of nuclear weapons as a whole, is to continue, the NPT will need to endure and be maintained, partly through accepting the political link between non-proliferation and disarmament – but the belief that such a solution can be found simply in the implementation of the NPT's fundamental 'bargain' is, as this thesis has shown, unfortunately mistaken.

Bibliography

Primary material

A. Unpublished

1) Official documents, correspondence, proceedings of Parliaments, other government publications

Presidential and other governmental papers at the Lyndon Johnson Library, Austin, Texas, including:

Files of Spurgeon Keeny

Files of Walt W. Rostow

Papers of the Arms Control and Disarmament Agency

Papers of the Committee of Principals

Papers of Francis M Bator

Records of the Gromyko Conversations

Parliamentary papers and UK governmental records held at the National Archives, Kew – documents primarily from the Foreign Office and Prime Minister's Office, supplemented with records from the Cabinet and Ministry of Defence.

2) Interviews

Interviews with diplomats, officials and non-governmental experts involved in the NPT Review process in New York and Washington DC in May 2010, and selected follow-up interviews conducted at Track 1.5 Conference, Annecy, France, April 2012 and NPT Preparatory Committee meeting, Vienna, May 2012.

B. Published

Official documents, correspondence, proceedings of Parliaments, other government publications

Foreign Relations of the United States – records of the U.S. Senate Foreign Relations Committee

1961-1963, Volume VII. Arms Control and Disarmament

1964-1968, Volume XI. Arms Control and Disarmament

1969-1976, Volume E-2. Documents on Arms Control and Nonproliferation, 1969–1972
2010

Records of the Eighteen Nation Disarmament Committee

Gilpatric Report (Report to the President by the Committee on Nuclear Proliferation: Washington, 1965)

International Court of Justice Reports 1996, Advisory Opinion, 'Legality of the Threat or Use of Nuclear Weapons'

Non-Proliferation Treaty: Hearings Before the Committee on Foreign Relations, United States Senate, Ninety-First Congress, First Session, Part 2, February 18 and 20, 1969

(Washington, DC: US Government Printing Office, 1969)

Non-Proliferation Treaty Review Conference papers, 2010

UK Cabinet Office, 'The Road to 2010: addressing the nuclear question in the twenty-first century' (London: The Stationery Office, July 2009)

UK Foreign and Commonwealth Office, 'Lifting the Nuclear Shadow: creating the conditions for abolishing nuclear weapons' (London: The Stationery Office, 2009)

United Nations General Assembly documents

US Department of Defense, 'Nuclear Posture Review Report' (Washington DC: Government Printing Office, April 2010)

Secondary material

Books

Hilary Arksey and Peter Knight, *Interviewing for Social Scientists: An Introductory Resource with Examples* (London: Sage, 1999)

Ken Berry et al., *Delegitimizing Nuclear Weapons: examining the validity of nuclear deterrence*, CNS Occasional Papers (Monterey: James Martin Center for Nonproliferation Studies/Monterey Institute of International Studies, May 2010)

Taylor Bolz, ed., *In the Eyes of Experts: Analysis and Comments on America's Strategic Posture* (Washington, D.C.: United States Institute of Peace, 2009)

Mlada Bukovansky et al., *Special Responsibilities: Global Problems and American Power* (Cambridge: Cambridge University Press, 2012)

George Bunn, *Arms Control by Committee: Managing Negotiations With the Russians* (Stanford: Stanford University Press, 1992)

Deepti Choubey, *Are New Nuclear Bargains Attainable?* (Washington, D.C.: Carnegie Endowment, 2008)

Duncan L. Clarke, *Politics of Arms Control: The Role and Effectiveness of the U.S. Arms Control and Disarmament Agency* (New York and Macmillan, 1979)

David Cortright and Raimo Väyrynen, *Towards Nuclear Zero* (London: IISS, 2010)

Jayantha Dhanapala, *Multilateral Diplomacy and the NPT: An Insider's Account* (Geneva: UNIDIR, 2005)

Lewis Dunn et al., *Foreign Perspectives on U.S. Nuclear Policy and Posture: Insights, Issues and Implications* (Washington, DC: Defense Threat Reduction Agency/Advanced Systems and Concepts Office, 2006)

International Commission on Nuclear Non-Proliferation and Disarmament, *Eliminating Nuclear Threats: A Practical Agenda for Policymakers* (Canberra/Tokyo, 2009)

Peter Jarvis, *The Practitioner Researcher: Developing Theory from Practice* (San Francisco: Jossey-Bass, 1998)

Rebecca Johnson, *Unfinished Business: The Negotiation of the CTBT and the End of Nuclear Testing* (New York and Geneva: UNIDIR, 2009)

Catherine McArdle Kelleher and Judith Reppy, *Getting to Zero: the Path to Nuclear Disarmament* (Stanford: Stanford University Press, 2011)

David Kreiger, ed., *The Challenge of Abolishing Nuclear Weapons* (New York: Transaction, 2009)

Matthias Kuentzel, *Bonn & the Bomb: German Politics and the Nuclear Option* (London: Pluto, 1995)

Thomas B. Larson, *Disarmament and Soviet Policy, 1964-1968* (New Jersey: Prentice-Hall, 1969)

Shane Maddock, *Nuclear Apartheid: The Quest for American Atomic Supremacy from World War II to the Present* (Chapel Hill: University of North Carolina, 2010)

Michael May, ed., *P-5 Nuclear Doctrines and Article VI* (Stanford University: CISAC Conference Report, 2008)

Olav Njølstad, ed., *Nuclear Proliferation and International Order: Challenges to the Non-Proliferation Treaty* (Abingdon: Routledge, 2011)

George Perkovich and James Acton, *Abolishing Nuclear Weapons* (London: IISS Adelphi Paper No.396, 2008)

Michael Quinlan, *Thinking About Nuclear Weapons* (Oxford: Oxford University Press, 2009)

Walt Whitman Rostow, *The Diffusion of Power: An Essay in Recent History* (New York: Macmillan, 1972)

Dean Rusk, *As I Saw It: A Secretary of State's Memoirs* (London: I.B. Tauris, 1991)

Enid C.B. Schoettle, *Postures for Non-Proliferation: Arms Limitation and Security Policies to Minimize Nuclear Proliferation*, SIPRI Report (London: Taylor & Francis, 1979)

Glenn Seaborg and Benjamin Loeb, *Stemming the Tide: Arms Control in the Johnson Years* (Lexington, Mass.: Lexington, 1987)

Mohamed Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation, 1959-79* (3 volumes, London: Oceana, 1980)

John Simpson, ed., *Nuclear non-proliferation: an agenda for the 1990s* (Cambridge:

Cambridge University Press, 1987)

William Walker, *Weapons of Mass Destruction and International Order* (London: IISS Adelphi Paper No.370, 2003)

William Walker, *A Perpetual Menace: Nuclear Weapons and International Order* (London and New York: Routledge, 2012)

Tanya Ogilvie-White, *On Nuclear Deterrence: The Correspondence of Sir Michael Quinlan* (London: IISS, 2011)

Elizabeth Young, *A Farewell to Arms Control?* (London: Penguin, 1972)

Articles

Sameh Aboul-Enein, 'The roadmap to total nuclear disarmament', in George Perkovich and James Acton, eds., *Abolishing Nuclear Weapons* (London: IISS Adelphi Paper No.396, 2008)

James Acton, *Deterrence during Disarmament: Deep Nuclear Reductions and International Security* (London: IISS Adelphi Book No. 417, 2011)

Gilles Andréani, 'The Disarray of US Non-Proliferation Policy', *Survival* 41:4 (Winter 1999-2000)

Paul Atkinson and Amanda Coffey, 'Revisiting the Relationship between Participant Observation and Interviewing', in James A. Holstein and Jaber F. Gubrium, eds., *Inside Interviewing: New Lenses, New Concerns* (London: Sage, 2003)

Hal Brands, 'Progress Unseen: U.S. Arms Control Policy and the Origins of Détente, 1963-1968', *Diplomatic History* 30:2 (April 2006)

Hal Brands, 'Non-Proliferation and the Dynamics of the Middle Cold War: The Superpowers, the MLE, and the NPT', *Cold War History* 7:3 (2007)

Walton Brown, 'Presidential Leadership and U.S. Nonproliferation Policy', *Presidential Studies Quarterly* 24:3, Conduct of Foreign Policy (Summer 1994)

George Bunn and John B. Rhinelander, 'Looking Back: the Nuclear Nonproliferation Treaty then and now', *Arms Control Today* (July/August 2008)

George Bunn and Roland M. Timerbaev, 'Security Assurances to Non-Nuclear-Weapon States', *The Nonproliferation Review* (Fall 1993)

George Bunn and Roland Timerbaev, 'Nuclear Disarmament: How Much Have the Five Nuclear Powers Promised in the Non-Proliferation Treaty?', (Washington: The Lawyers Alliance for World Security, the Committee for National Security and the Washington Council on Non-Proliferation, 1994)

George Bunn, 'The Legal Status of U.S. Negative Security Assurances to Non-Nuclear-

Weapon States', *The Nonproliferation Review* (Spring/Summer 1997)

Anthony Burke, 'Nuclear Reason: At the Limits of Strategy', *International Relations* 23:4 (2009)

Deepti Choubey, 'Defining Success for the NPT Review Conference', Carnegie Endowment *Proliferation Analysis*, 3 May 2010

David Cliff et al., 'Verifying Warhead Dismantlement: Past, Present, Future', *Vertic Research Reports* 9 (September 2010)

Ivo Daalder and Jan Lodol, 'The Logic of Zero', *Foreign Affairs*, (November/December 2008)

Jim DeMint, 'The New START Treaty weakens US national security', *US News & World Report*, 16 August 2010

Jayantha Dhanapala, 'Common Responsibilities in the NPT: Shared or Asymmetrical', in Scott Sagan et al., *Shared Responsibilities for Nuclear Disarmament: A Global Debate* (Cambridge, Mass.: American Academy of Arts and Sciences, 2010)

John Duncan, 'A Middle East Zone Free of Weapons of Mass Destruction', Foreign Office blog, 30 May 2010

Lewis A. Dunn, 'Building on success: The NPT at fifteen', *Survival* 28:3 (1986)

Lewis A. Dunn, 'Reshaping Strategic Relationships: Expanding the Arms Control Toolbox', *Arms Control Today* (May 2009)

William Epstein, 'Nuclear proliferation: The failure of the review conference', *Survival* 17:6 (1975)

William Epstein, 'Conference a Qualified Success', *Bulletin of the Atomic Scientists* (December 1990),

Christopher Ford, 'Debating Disarmament: Interpreting Article VI of the Treaty on the non-Proliferation of Nuclear Weapons', *The Nonproliferation Review* 14:3 (November 2007)

James Wood Forsyth Jr., et al., 'Remembrance of Things Past: The Enduring Value of Nuclear Weapons', *Strategic Studies Quarterly* (Spring 2010)

Lawrence Freedman, 'Nuclear disarmament: the need for a new theory', *Lowy Institute Perspectives* (March 2009)

Lawrence Freedman, 'A new theory for nuclear disarmament', *Bulletin of the Atomic Scientists* (July/August 2009)

Banning Garrett and Bonnie Glaser, 'Chinese Perspectives on Nuclear Arms Control', *International Security* 20:3 (Winter 1995-1996)

Dennis Gormley, 'The Path to Deep Nuclear Reductions: Dealing with American

conventional superiority', *IFRI Proliferation Papers* 29 (Fall 2009)

Thomas Graham, 'NPT Article VI Origin and Interpretation' in Michael May, ed., *P-5 Nuclear Doctrines and Article VI* (Stanford University: CISAC Conference Report, 2008)

Anne Harrington de Santana, 'The Strategy of Non-proliferation: Maintaining the Credibility of an Incredible Pledge to Disarm', *Millennium Journal of International Studies* 40:1 (2011)

Peter Hayes, 'Extended Nuclear Deterrence, Global Abolition, and Korea', *The Asia-Pacific Journal* 50:2 (December 2009)

Rebecca Johnson, 'Politics and Protection: Why the 2005 NPT Review Conference Failed', *Acronym Report*, 1 November 2005

Rebecca Johnson, 'Rethinking the NPT's role in security: 2010 and beyond', *International Affairs* 86:2 (2010)

Dan Keohane, 'Britain's performance in implementing article VI of the NPT', *Contemporary Security Policy* 5:3 (1984)

Ban Ki-Moon, 'The United Nations and Security in a Nuclear-Weapon-Free World', remarks to East-West Institute, New York, 24 October 2008.

Michael Krepon, 'Numerology in the Second Nuclear Age', *IFRI Proliferation Papers* 30 (Fall 2009)

David A. Koplow, 'Parsing Good Faith: Has the United States Violated Article VI of the Nuclear Non-Proliferation Treaty?', *Wisconsin Law Review* 301 (1993)

Joachim Krause, 'Enlightenment and Nuclear Order', *International Affairs* 83:3 (2007)

Emily Landau, '2010 NPT RevCon: Opening Bids and Conflicting Agendas', *Intelligence and National Security Studies (INSS) Insight* 80 (9 May 2010)

Keir A. Lieber and Daryl G. Press, 'The Nukes We Need', *Foreign Affairs* (November/December 2009), with responses by Jan Lodal et al., *Foreign Affairs* (March/April, 2010)

Robert Litwak, 'Nuclear Non-Proliferation Treaty (NPT)', in Taylor Bolz, ed., *In the Eyes of Experts: Analysis and Comments on America's Strategic Posture* (Washington, D.C.: United States Institute of Peace, 2009)

Ruud Lubbers, Max van der Stoel, Hans van Mierlo and Frits Korthals Altes, 'Toward a Nuclear Weapon Free World', *NRC Handelsblad*, 23 November 2009

Miguel Marin-Bosch, 'The 1995 NPT Review and Extension Conference', *Irish Studies in International Affairs* 6 (1995)

Greg Mello, 'The Obama Disarmament Paradox', *Bulletin of the Atomic Scientists*, 4 February 2010

Zia Mian, 'Beyond the Security Debate: the moral and legal dimensions of abolition', in George Perkovich and James Acton, eds., *Abolishing Nuclear Weapons: A Debate* (Washington, DC: Carnegie Endowment, 2009)

Frank Miller, 'Disarmament and Deterrence: A Practitioner's View', in Perkovich and Acton, *Abolishing Nuclear Weapons* (London: IISS Adelphi Paper No.396, 2008)

Harald Müller, 'The 2005 NPT Review Conference: reasons and consequences of failure and options for repair', *Weapons of Mass Destruction Commission* 31 (2005)

Harald Müller, 'The Importance of Framework Conditions', in George Acton and James Perkovich, eds., *Abolishing Nuclear Weapons: A Debate* (Washington, DC: Carnegie Endowment, 2009)

Joseph Nye, 'NPT: The Logic of Inequality', *Foreign Policy* 59 (Summer 1985)

Tanya Ogilvie-White and David Santoro, 'The Dynamics of Nuclear Disarmament: New Momentum and the Future of the Nonproliferation Regime', *The Nonproliferation Review* 17:1 (March 2010)

Tanya Ogilvie-White and John Simpson, 'The NPT and Its 2003 PrepCom Session: A Regime in Need of Intensive Care', *The Nonproliferation Review* 10:1 (Spring 2003)

Benoit Pélopidas, 'Critical Thinking about Nuclear Weapons' (review), *The Nonproliferation Review* 17:1 (March 2010)

Nikita Perflyev, 'Chinese transparency needed on nuclear arms', *The Hill*, 20 January 2011

George Perkovich, 'Re-examining disarmament obligations', *Bulletin of the Atomic Scientists*, 1 April 2009

William Potter et al., 'The 2010 NPT Review Conference: Deconstructing Consensus', *CNS Special Report* (Washington, DC: Center for Nonproliferation Studies, 17 June 2010)

Paul Power, 'The Mixed State of Non-Proliferation: The NPT Review Conference and Beyond', *International Affairs* 62:3 (Summer 1986)

Tariq Rauf, 'An Unequivocal Success? Implications of the NPT Review Conference', *Arms Control Today* (July/August 2000)

Tariq Rauf and Rebecca Johnson, 'After the NPT's indefinite extension: The Future of the global nonproliferation regime', *The Nonproliferation Review* 3:1 (Fall 1995)

Stephen Rademaker, 'Blame America First', *Wall Street Journal*, 7 May 2007

Mitt Romney, 'Obama's worst foreign policy mistake', *Washington Post*, 6 July 2010

Michael Rühle, 'Enlightenment in the Second Nuclear Age', *International Affairs* 83:3 (2007)

Randy Rydell, 'Nuclear Disarmament and General and Complete Disarmament', in David Kreiger, ed., *The Challenge of Abolishing Nuclear Weapons* (New York: Transaction, 2009)

Philippe Sands and Helen Law, 'The United Kingdom's Nuclear Deterrent: Current And Future Issues Of Legality', Greenpeace opinion, 13 November 2006

Ben Sanders, 'The 1995 NPT Review and Extension Conference: an overview', *Contemporary Security Policy* 16:3 (1995)

Tom Sauer, 'A Second Nuclear Revolution: From Nuclear Primacy to Post-Existential Deterrence', *The Journal of Strategic Studies* 32:5 (October 2009)

Helmut Schmidt, Richard von Weizsäcker, Egon Bahr, and Hans-Dietrich Genscher, 'Toward a nuclear-free world: a German view', *International Herald Tribune*, 9 January 2009

Mohamed Shaker, 'Shared, But Not Equal Responsibilities', in Scott Sagan et al., *Shared Responsibilities for Nuclear Disarmament: A Global Debate* (Cambridge, Mass.: American Academy of Arts and Sciences, 2010)

George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, 'A World Free of Nuclear Weapons', *The Wall Street Journal* (4 January 2007)

John Simpson, 'The Birth of a New Era? The 1995 NPT Conference and the Politics of Nuclear Disarmament', *Security Dialogue* 26:3 (1995),

John Simpson and Darryl Howlett, 'The NPT Renewal Conference: stumbling toward 1995', *International Security* 19:1 (Summer 1994)

Nina Tannenwald, 'Stigmatizing the Bomb: Origins of the Nuclear Taboo', *International Security* 29:4 (Spring 2005)

Bruno Tertrais, 'Saving the NPT: Past and Future Non-proliferation Bargains', paper presented to Nonproliferation Education Centre conference, Paris, November 2004

Evgeny Velikhov, Igor Ivanov, Mikhail Moiseyev and Yevgeny Primakov, 'Start a new disarmament plan', *Izvestia Daily*, 8 December 2010

William Walker, 'Nuclear Enlightenment and Counter-Enlightenment', *International Affairs* 83:3 (2007)

William Walker, 'The UK, threshold status and responsible nuclear sovereignty', *International Affairs* 86:2 (2010)

Ward Wilson, 'The Myth of Nuclear Deterrence', *The Nonproliferation Review*, 15:3 (November 2008)

Theses

Dane E. Swango, *The Nuclear Non-Proliferation Treaty: Constrainer, Screener, or Enabler?* Ph.D thesis (Los Angeles: University of California, 2009)